

IRISH CONVICTS
AND
VAN DIEMEN'S LAND

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the requirements for the degree
of Master of Arts.

By

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DECLARATION

This thesis contains no material which has been accepted for the award in any university, and to the best of my knowledge and belief, the thesis contains no copy or paraphrase of material previously published or written by another person, except when due reference is made in the text of the thesis.

John Williams

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INTRODUCTION

The aim of this thesis is to examine in detail the origins of Irish convicts transported to Van Diemen's Land and to discuss how they reacted to colonial conditions. All Irish-born prisoners sent to the colony have been included in this study. During the transportation period 1803 to 1853 several thousand felons of Irish birth came from areas of the British Empire other than Ireland. English or Scottish courts sentenced the majority but a few met their fate in other Australian colonies or while serving with the British army in overseas territories. They need to be included because they shared a common Irish background with convicts tried in Ireland. Many of them had been forced by poverty or famine to leave their homeland and they tended to retain their Irish traditions. Unfortunately it was found impossible to account for their descendants. Although under the influence of Irish parents and living mostly in Irish ghettos or slums in Britain it would have been an extremely difficult task to distinguish them from other prisoners convicted in the same courts. The

records only note their place of birth and trial.

Historians and contemporary observers have always regarded the Irish as different from other prisoners. Their conclusions and observations are incorporated in the thesis. To some extent this study reaches similar findings but an attempt has been made to replace subjective comment with statistical fact. Lloyd Robson has, by the use of a sampling technique, achieved this aim for all convicts transported to eastern Australia. The scope of his work was so broad as to preclude a detailed study of the Irish.¹ This thesis will add to and in some ways modify his findings. A. G. L. Shaw has also written about Irish convicts. But he concentrates almost exclusively upon those transported for political or social offences.² Irish prisoners tried in countries other than Ireland have received little attention from the historians.

As far as possible every convict of Irish birth transported to Van Diemen's Land has been included in the

1. L. Robson, The Convict Settlers of Australia, Melbourne, 1965. See Tables 4(d) p. 178, 4(h) p. 186, 9(d) p. 210, 10(d) p. 213; Irish convicts accounted for 1,786 of his sample, 510 were from Van Diemen's Land.
2. A. G. L. Shaw, Convicts and the Colonies, London, 1966, pp. 166-183.

survey. The majority arrived after 1840 when detailed records were compiled for most convicts. The conduct registers which give the place and date of trial, sentence, native place of birth, religion, literacy, trade, age, marital status, gaol report, surgeon's report, prisoner's confession, colonial offences and the convict's crime have been used extensively to construct profiles of the various groups of Irish prisoners sent to the colony. Relatively few Irish arrived before 1825. Complete records are unavailable for many of the prisoners sent in these early years. This problem has been overcome to some extent by the use of other material. Supplementary information has come mainly from secondary sources, government despatches, the colonial secretary's correspondence and a few newspapers. The colonial secretary's letters and government despatches provided particularly important material for the chapters dealing with the arrival of the convicts and their behaviour in the colony.

Irish and English parliaments passed similar laws introducing transportation.³ During the eighteenth century banishment became an important part of the criminal law, both countries transporting criminals to

3. A. G. L. Shaw, op. cit., p. 36.

the American colonies.⁴ Convicts were first sent to Australia under the provisions of two Acts; the 1779 Act gave the courts power to transport felons beyond the seas, and that of 1784 enabled the Crown to select places to send the convicts.⁵ By 1790 the Irish government had decided to transport Irish felons to New South Wales. At the time of Australia's settlement a harsh criminal code prevailed in Ireland and England. Hundreds of comparatively minor offences attracted the death penalty. Many of these laws were changed during the nineteenth century. After Peel's reforms in the 1820s transportation replaced the death penalty for several crimes. In 1832 and 1833 the penalty inflicted for coining, animal stealing and housebreaking was changed from execution. These offenders had been usually transported anyway. As Robson has pointed out changes in the law had only a slight effect. The types of offences resulting in transportation hardly altered throughout the period.⁶

A continuous stream of convicts arrived in Van Diemen's Land from its first settlement in 1803 to the

4. *ibid.*, p. 25.

5. L. Robson, *op. cit.*, p. 6.

6. *ibid.*, p. 8.

cessation of transportation nearly fifty years later. During the early years prisoners came mainly from New South Wales. The colony had been settled partly to provide a place of exile for the worst convicts. It was not until 1818 that regular and direct transportation from England began. Before 1840 the assignment system was in operation. As the name implies convicts were assigned to settlers on certain conditions. The settlers provided the prisoner's clothing and food receiving in return cheap labour. A well-behaved prisoner could expect to earn the indulgence of a ticket-of-leave, which allowed him relative freedom and the right to work for wages. Colonial courts punished breaches of law and discipline. To handle those convicted of serious crimes in the colony places of secondary punishment were established. The first penal station was constructed at Macquarie Harbour in 1822. Convicts tried for less serious offences went, after 1825, to Maria Island. In the early 1830s both these stations were closed, Port Arthur on Tasman's Peninsula becoming the main penal settlement. It had several advantages over the other stations. It was easy to guard and supply. It was also large enough to accommodate the thousands of prisoners sentenced by superior courts.

Van Diemen's Land became the main penal colony when transportation to New South Wales ceased in 1840. A new system of discipline was introduced. Convicts were held in probation gangs earning indulgences by good conduct. They worked for the government on farms, roads and building construction. After successfully completing a term of probation a convict would receive a pass and could work for himself. The system, by withholding convict labour from the settlers, aroused colonial opposition, aiding the growth of the anti-transportation movement. The exile system was an attempt to placate the colonists. Convicts had to spend a part of their sentence in the home gaols undergoing punishment, reformation and moral and industrial training. It was hoped that they would be sufficiently reformed to be sent to the colony as ticket-of-leave holders. The system failed to quiet the critics of transportation. Their opposition and the effects of the discovery of gold in mainland colonies spurred the British government into ending transportation in 1853.

Irish convicts deserve special consideration because they came from an environment completely different from that of most prisoners. The British ruled Ireland as a colonial dependency. On many occasions they had to

resort to coercion, arms limitation and insurrection Acts in order to maintain their power. As a result the native Irish regarded the law with suspicion. It was well known to the peasantry that "all law is oppression in Ireland."⁷ It appeared that it was used as a tool to protect protestant landlords and to continue British and protestant domination in a predominantly catholic country. The two races regarded each other with mutual hostility. Land grievances intensified this bitterness. Throughout the period Ireland's economy remained primarily rural despite the industrial revolution. The only outlets for a rapidly increasing population were emigration or farming. But protestants or their agents controlled most of the land, the native catholic Irish being reduced to an impoverished tenantry struggling to eke out an existence by growing potatoes on small plots. They constantly faced the prospect of famine or eviction. As argued in Chapter I this background made them unique in many respects amongst convicts of other nationalities.

In Chapters II and III the offences of Irish convicts are analyzed and compared with those of other prisoners. Irish felons tried in places other than

7. W. Carleton, Traits and Stories of the Irish Peasantry, Vol. 2, Dublin, 1844, p. 3.

Ireland committed similar offences to convicts transported from the same areas. In Ireland land hunger was an important factor in causing crime. Tenants had little choice but to band together into illegal societies to protect their holdings. They used terror to enforce rent-fixing and to intimidate landlords or competing tenants. The resulting murders and other acts of violence often led to transportation. Local feuds and faction fights added to the violence in Irish society. But grinding poverty and famine were responsible for many more offences. Often Irish peasants had to live by crime or die of starvation. The stealing of food, particularly in the form of animals, was rife throughout the country. During famine periods the crime rate soared. The Irish authorities found it difficult to handle the large numbers of men and women transported during the Great Famine of the late 1840s. Famine offenders were different from the majority of prisoners sent to the island. Most were first offenders forced into crime by distress.

Irish men and women tried in Great Famine years formed an important group among the convicts sent from Ireland. They accounted for nearly half of the Irish prisoners transported to Van Diemen's Land. Before 1840 all Irish transports went to New South Wales. At first

sight it appears that a policy decision was made to exclude the Irish from the colony. But no documentary evidence has been found to support this view. In Chapter IV an attempt has been made, using the available evidence, to suggest the reasons for the practice. The famine Irish also had an impact on convict policy. The Secretary of State, Earl Grey, introduced the exile system at the height of the famine. For various reasons the Irish government failed to adhere to the provisions of the system, forcing Governor Denison to suggest new methods of managing Irish convicts. Denison's recommendations were accepted by the British government.

The last two chapters deal with the Irish convicts in Van Diemen's Land. Their criminal behaviour is examined in Chapter V. Compared to other prisoners men and women from Ireland tended to be less criminally inclined in the colony. They appeared fewer times before superior courts and relatively more had no offences recorded. Irish convicts from other areas of the British Empire had behaviour patterns similar to the majority of felons. Chapter VI is devoted to a discussion of how Irish prisoners fared in the colony. After and while serving their sentences they had to overcome specific disadvantages when trying to integrate into the

colonial community. Many were ill-equipped, because of their background, to settle successfully. Most remained members of the working class and only a few managed to have any impact on colonial politics or society. Their numbers were seriously depleted when thousands of ex-convicts left the island for the attractions of mainland goldfields. By the 1880s Irish convicts ceased to have any importance in Van Diemen's Land. Death and emigration had reduced their numbers. In 1882 only six per cent of the island's population had been born in Ireland, and many of these had arrived as free immigrants.⁸

8. Statistics of Tasmania, 1882.

CHAPTER I

PROFILE AND PLACES OF TRIAL

Because they did not conform to the general pattern convicts from Ireland have been considered by historians different from the mass of prisoners transported to Australia.¹ But little attention has been paid to Irish-born tried in England, Scotland, Wales or in overseas colonies. The purpose of this chapter is to ascertain whether the 10,988 men and women from Ireland and the 3,504 Irish-born tried elsewhere and transported to Van Diemen's Land can be distinguished from other convicts. It will be necessary to answer the questions: What kind of people were the Irish convicts? and did they form a cohesive group amongst other felons sent to the island?

IRELAND

Convicts transported from Ireland must be examined against a background of political domination, economic

1. L. Robson, The Convict Settlers of Australia, Melbourne, 1965, p. 10.
A. G. L. Shaw, Convicts and the Colonies, London, 1966, p. 166.

exploitation, impoverishment, famine and social divisiveness. Catholic Ireland had been politically subjugated by a protestant England since Tudor times, and the position was aggravated by the dissolution of the Irish parliament after union in 1801. Bitterness has grown between the two peoples as the native Irish had been displaced from their land in a series of plantations dating from the sixteenth century, as catholics became second-class citizens because of harsh penal laws and as coercion acts, supported by British troops, were used to enforce the English will upon Ireland and to crush uprisings like that in 1798. The 'Great Liberator', Daniel O'Connell, roused the people in his attempts to gain catholic emancipation and the repeal of the union. He had partial success in 1829 when an emancipation bill passed through the British parliament, but the union and the bitterness remained.

Ireland suffered economically because the union which was supposed to bring industrial progress failed to protect Irish industry. Competition from British imports destroyed or caused a decline in many traditional Irish industries. The once flourishing cotton trade in Dublin deteriorated owing to the influx of cheaper goods from Manchester. By 1850 home weavers and others engaged in

domestic industry worked for a pittance. Only in the north-east with the development of the linen industry did Ireland acquire a substantial degree of industrialization. This lack of industry allied with a large population increase from two and a half million in 1767 to over eight million in 1841 forced most Irish to rely almost solely on rural pursuits to make a living. Except in the north-east over three-quarters of all families were supported by farming in 1841.² It became necessary to own land to survive even if in poverty. Land hunger not only caused strife between the mainly protestant landlords and their catholic tenantry but also between competing tenants.

An unjust land law favoured the interests of the landlord. The tenant had no security of tenure and received no compensation for improvement except in Ulster. Unscrupulous landlords or their agents took advantage of the intense competition for land by allowing bids for rent which could rarely be paid.³ If the rent was not paid or the landlord wished to clear his estates he could legally evict the tenant, direct 'grippers' to arrest all

2. T. W. Freeman, Pre-Famine Ireland, Manchester, 1957, p. 75.

3. Alexis De Tocqueville, Journeys to England and Ireland, Ed. J. P. Mayer, London, 1958, p. 118.

those who had not paid their rents, employ 'process servers' to serve legal processes for rent, hire 'keepers' to watch the tenants' crops and 'drivers' to drive all the livestock belonging to the defaulting tenants to the pound, from which they could not be released until the rent was forthcoming.⁴ The spectre of eviction haunted the Irish peasant, so much so that secret societies sprung up to protect their members' interests by intimidating landlords or their agents or by compelling competing tenants to quit their holdings. The resulting agrarian outrages, feuds and faction fights caused many men to be transported.

The peasant could turn only to the secret society when his security was threatened. O'Connell had no specific programme which would immediately help in solving local land problems, and the law, partly as a result of oppression long felt under the penal provisions, was regarded with suspicion.⁵ A party spirit pervaded everything, particularly the administration of justice. Almost all the magistrates were at 'open war' with the

4. W. Steuart Trench, Realities of Irish Life, London, 1966, p. 30.

5. William Carleton, Traits and Stories of the Irish Peasantry, Vol. 1, Dublin, 1843, p. XIX.

population.⁶ A catholic tenant seeking redress through the courts would most probably discover a landlord acting as magistrate or a protestant jury judging his case. De Tocqueville found while visiting Ireland in 1835 that many rich protestants spoke of catholics with contempt, hatred and scorn⁷ because English colonists in Ireland identified protestantism with their own racial ascendancy.⁸

After the Napoleonic wars a fall in grain prices increased the determination of landlords to clear their estates for grazing⁹, adding to the pressure on the land already caused by the increase in population. The condition of the peasantry worsened as sub-letting and the division of family farms among children became common. Boys and girls married early without thinking it necessary to make any provision beyond a hut to lie down in and a small plot of land on which to grow potatoes.¹⁰ By 1841

6. Alexis De Tocqueville, op. cit., p. 119.

7. ibid., p. 135.

8. W. G. Broehl, The Molly Macquires, Massachusetts, 1965, p. 3.

9. J. E. Promfret, The Struggle for land in Ireland 1800 - 1923, New York, 1969, pp. 7 and 15.

10. W. Steuart Trench, op. cit., p. 56.

nearly a million families were supported on 820,000 holdings, forty-five per cent between one and five acres and only seven per cent above thirty acres.¹¹ Cottiers, who usually paid their rent in labour, increased in numbers and became typical until 1845. Their poverty was matched by those who rented land under the conacre system. A plot was let for a single crop the usually high rents being paid either by labour or with money obtained by working on other farms, by fattening a pig or by labouring in England at harvest time. Those with small holdings were in reality unskilled men supplementing their incomes by growing food. The impossibility of living by wages alone drove them to the land.¹² All sections of the peasant community increasingly relied on the potato as their subsistence crop because it was easy to grow and returned good value from a small holding.

Those not able to acquire land drifted into the cities or became wandering labourers seeking work at harvest time. In 1841 only one-fifth of the Irish people lived

11. T. W. Freeman, op. cit., p. 54.

12. G. O'Brien, The Economic History of Ireland from the Union to the Famine, London, 1921, p. 19.

in urban areas but misery and poverty in towns equalled or even exceeded that of people in the countryside.¹³ Slums or cabin suburbs developed in Dublin and Cork City because for most people permanent work was unavailable. The towns, except Belfast, relied primarily on trade not industry for their existence. Problems of unemployment and underemployment were immense. For thirty weeks of the year over two million were unemployed.¹⁴ Some sought to escape this fate by emigrating permanently or by joining the armed forces; others resorted to crime in order to earn a living. Hostility arose when men from the less prosperous counties entered other areas in search of work. The intrusion of immigrants from Kerry was bitterly resented in Limerick because of increased competition for the few jobs available.¹⁵ People in other provinces in Ireland entertained strong prejudices against the men from Connaught. They felt they could "Never trust a Connaught man."¹⁶

13. T. W. Freeman, op. cit., p. 33.

14. C. Woodham Smith, The Great Hunger, Britain, 1962, p. 26.

15. B. M. Kerr, "Irish Seasonal Migration to Great Britain 1800 - 1838", Irish Historical Studies, Vol. 3, 1942-3, p. 369.

16. W. Carleton, op. cit., p. 427.

The poverty of the Irish amazed visitors. De Tocqueville discovered that the whole Irish population consisted of very small and very poor tenant farmers and labourers even poorer. The people went bare-foot and dressed in clothes very much patched or with holes.¹⁷ Another observer noticed that their habitations were of the rudest and most miserable construction, "scattered over the country wherever a bit of soil is to be obtained, fit for the potato; but the favourite spot is beside a road, where they are frequently seen to extend ... for miles together. These collections of hovels form almost the only villages to be seen by the traveller."¹⁸ Johann Kohl travelled throughout Ireland in 1842 finding much the same as others had. "A traveller in Ireland", he wrote, "can never dwell too strongly on the extraordinary misery of the poorer classes. Ruin, decay, rags and misery are to be seen all through Ireland - not merely in the wild districts of Clare, Donegal, Mayo and Kerry - where in truth, they present themselves in the greatest and most appalling forms - but equally throughout the

17. Alexis De Tocqueville, op. cit., p. 130.

18. J. E. Bicheno, Ireland and its Economy, London, 1830, p. 29.

most beautiful and most fertile plains."¹⁹ In 1845 the Devon Commissioners had to report with deep regret on the condition of the cottiers and labourers. They found that in many districts of the country their "only food is the potato, their only beverage water, ... their cabins are seldom a protection against the weather, ... a bed or a blanket is a rare luxury, and ... their pig and manure heap constitute their only property."²⁰ Beggars besieged visitors everywhere they went because families were left to beg when cottiers and conacre men went in search of work after their store of potatoes had been exhausted.²¹

This was the condition of the peasantry when Ireland's greatest disaster struck. Their dependence on the potato was fully exposed when a series of crop failures from 1845 to 1849 plunged Ireland into the Great Famine. Millions of people faced the prospect of a slow death through starvation. An agent of a landlord in Queen's county could "scarcely believe that men, women and

19. C. Maxwell, The Stranger in Ireland, London, 1954, p. 290.

20. Parliamentary Papers, 1845, Vol. 19, p. 35.

21. R. D. C. Black, Economic Thought and the Irish Question, 1817-1870, London, 1954, p. 8.

children were actually dying of starvation in thousands. Yet so it was. They died on the roads, and they died in the fields; they wandered into the towns, and died in the streets; they closed their cabin doors, and lay down upon their beds, and died of actual starvation in their houses."²² The extent of the disaster can be measured by the loss of population. By 1851 the total population had declined by twenty per cent and the rural population by almost twenty-five per cent.²³ Under these conditions it is hardly surprising that crime increased. The Irish authorities reported in 1849 an "unprecedented increase of crime consequent upon the destitution and sufferings endured by the lower classes during four consecutive years." Prior to 1846 the number of persons sentenced to transportation averaged 673 each year but in 1848 the number had reached 2,687.²⁴ For many the gaols became a refuge; food provided in prisons was better than that in the workhouses.²⁵ Some sought to escape completely by

22. W. Steuart Trench, op. cit., p. 51.

23. O. MacDonagh, "Irish Emigration to the United States of America and the British Colonies During the Famine" in R. D. Edwards and T. D. Williams Eds. The Great Famine, Dublin, 1956, p.328.

24. GO 1/75 T. M. Redington to H. Waddington, 27 June 1849.

25. C. Woodham Smith, op. cit., p. 333.

courting transportation and the Irish administration was overwhelmed with the numbers in prison.

The famine had particular relevance for convicts transported from Ireland to Van Diemen's Land. Fifty-one per cent of the women and forty-five per cent of the men had been tried during famine years. Almost all male convicts who arrived after 1850 had been convicted during the famine. This resulted from the introduction of the exile system under which convicts were supposed to undergo a period of punishment, learning and reformation in the home gaols before being sent on to the colony. Table I gives the period of arrival showing, as no Irish transport sailed directly to the colony until 1840, that most convicts from Ireland came after that date.

TABLE 1

Convicts Tried Ireland			
Date Arrived	Men	Women	Total
1803-1839	805	267	1072
1840-1845	3057	1039	4096
1846-1849	1377	1145	2522
1850-1853	2062	1236	3298
Total	7301	3687	10988

Many of the unique characteristics of Irish convicts stem from the environment from which they came. Their religion set them apart. They formed a catholic

minority among other prisoners, protestants accounting for only eleven per cent of the men and twelve per cent of the women transported from Ireland. By comparison relatively few catholics arrived from England or Scotland.

Irish protestants conformed more than catholics to the general pattern of all convicts. Over half of the protestant women and nearly half of the men came from Ulster. Few had been tried in Connaught or Munster, but a significant proportion, thirty-seven per cent, were transported from Leinster. Like English convicts protestant men tended to be more skilled than other Irish prisoners. They also committed similar offences. Most protestant men and women had been transported for ordinary larceny, burglary or receiving while hardly any of the men had been engaged in typically Irish crimes associated with land grievances. Like other prisoners they were more likely than catholics to have been tried in localities other than their native place.

Not much difference existed between the ages of catholic and protestant men from Ireland, although relatively more young offenders under twenty years of age were protestants. On the other hand protestant women tended to be older than catholic women. An unusual feature of the protestant group was the large number of

married men. A third of the men claimed to be married. Protestant and catholic men had nearly the same proportions previously convicted but protestant women were more likely than their catholic counterparts to be former offenders. If literacy can be equated with the amount of schooling then educationally protestants surpassed catholics. Only six per cent of catholic women and forty-one per cent of the men compared to sixty-four per cent of protestant men and twenty-six per cent of the women were literate.

Men and women tried in Ireland had overall a low level of literacy. This was to be expected. Despite the introduction of a national system of education in 1831 Ireland continued throughout the nineteenth century to have the highest percentage of illiterate of the three countries in the British Isles.²⁶ Educational facilities, particularly in the isolated country districts of Connaught and Munster, were nearly non-existent. Although the peasantry believed education to be important they often could only rely on the hedge-schools. These schools which existed well into the nineteenth century were staffed by wandering teachers who charged

26. D. H. Akenson, The Irish Education Experiment, London, 1970, p. 376.

a fee to teach the most elementary subjects. Women did not even receive the benefits of this limited schooling and, as can be seen in Table 2, many more of the Irish female convicts than of the men could neither read nor write.

TABLE 2

Literacy of Convicts Tried in Ireland %

	Literate	Read Only	Illiterate
Men	43	24	33
Women	8	29	63

Some of those considered literate could only just read and write, their gaolers noting such statements as "can read and write a little" and "can read, and write a letter".

Ignorance, especially that of the Irish, had always been regarded as contributing to criminal activity. As a result education became an important reforming tool in the exile system. But the system failed all too often when confronted by the Irish. The 300 exiles aboard the Pestonjee Bomanjee were described as "ignorant and insubordinate and ... not likely to prove desirable acquisitions to the labour market."²⁷ Some attempt was

27. GO 33/68 Denison to Grey, 27 September 1849.

made to educate the Irish exiles on the Blenheim which arrived in October 1851. The religious instructor aboard the ship established a school to teach reading, writing and arithmetic. The school had only limited success because many of the Irish were illiterate and no suitable elementary books were available. Further problems arose from the need to employ Irish-speaking convicts to help those not able to speak English, and from the apathy of some who believed themselves too old to learn.²⁸

Irish men tended to be older and more often married than English or Scottish prisoners. But Irish women were younger (that is, under thirty) than other female convicts and as a result more were single. These differences, although important, tend to conceal similarities. Irish convicts, as Table 3 and 4 illustrate, were like other prisoners, mainly single and under thirty years of age.²⁹

28. Con 76.

29. Figures in Tables 3 and 4 for English convicts come from L. Robson, op. cit., Table 5(e), Table 5(f), Table 7(d), Table 7(e), pp. 190, 191, 201.

TABLE 3

Age %

Where Tried	10-14	15-19	20-24	25-29	30-34	35-39	40-49	50 -
Ireland								
Men	2	14	34	20	12	7	8	3
Women	-	14	39	20	10	6	8	3
England								
Men	1	21	36	19	10	5	6	2
Women	-	20	30	20	12	7	9	2

TABLE 4

Marital Status %

Where Tried	Single	Married
Ireland		
Men	71	29
Women	81	19
England		
Men	73	27
Women	65	35

Again the occupations of Irish offenders distinguished them from other prisoners. Governor Denison noticed the difference in 1851 when he complained of the "very small proportion of mechanics" amongst Irish convicts.³⁰ The Irish authorities could do little to improve the situation. They found that whereas a third of English

30. GO 33/68 Denison to Earl Grey, 6 May 1851.

convicts had been mechanics before conviction, only twenty-three out of 934 Irishmen in Mountjoy prison had a mechanical trade.³¹ They still thought that the prisoners could be of use. The men aboard the Hyderabad, although deficient in mechanical skill, were able to produce from a supply of raw materials enough to repay the original cost of the voyage with a surplus for distribution by the surgeon as rewards.³² Three-fifths of English convicts³³ compared with only twenty-four per cent of Irishmen were skilled. It can be seen from Table 5 that most Irishmen classified themselves as labourers or farm labourers.

TABLE 5

Occupation of Men Tried Ireland

Labourer	Farm Labourer	Servant	Skilled
40%	29%	7%	24%

Domestic servants of one kind or another accounted for almost all female convicts sent to Australia but a large number of Irish women specifically claimed to be country servants as illustrated in Table 6.

31. GO 1/78 H. Hitchens to Redington, 22 November 1851.

32. *ibid.*, H. Hitchens to Redington, 25 July 1850.

33. L. Robson, op. cit., Table 5(d), p. 190.

TABLE 6

Occupations of Women Tried Ireland

Country servant	Housemaid	Laundress	Nurse	Needle woman	Cook	Other
33%	39%	9%	12%	3%	3%	1%

What kind of people were the unskilled men and female country servants? Both groups had a high level of illiteracy and were mostly catholics. Over three-quarters of the country servants and nearly two-fifths of the unskilled men could neither read nor write. A distinction must be drawn between men designated as labourers and those who claimed to be farm labourers. While many of the labourers came from urban areas almost all farm labourers had been tried in rural districts. Female country servants and male farm labourers tended to be older than other Irish convicts, to have more married prisoners among their numbers and to have been in less trouble before transportation. Forty-seven per cent of farm labourers, compared to twenty-two per cent of labourers and twenty-nine per cent of skilled men, gave ages above thirty. Whereas married men accounted for less than thirty per cent of all other occupational groupings, forty-three per cent of farm labourers were married. Less than half as many farm labourers had

previous convictions.

Labourers and farm labourers committed most of the agrarian offences. Forty-four per cent of farm labourers and thirty per cent of labourers had been transported for animal stealing. Relatively more unskilled men were tried for crimes of violence or for social and political offences. Arson and animal stealing were common crimes among country servants when compared to other Irish female convicts. Unskilled men and country servants tended to remain in their native places. Whereas nearly a third of the skilled men had been convicted far from their place of birth only nineteen per cent of the unskilled were sentenced outside their native counties. Fewer country servants became prostitutes. Only seven per cent had been on the town compared to seventeen per cent of housemaids, ten per cent of laundresses and twelve per cent of women with miscellaneous occupations.

Skilled Irishmen require discussion because they have been largely ignored by historians. The majority came from Leinster and Munster. A high proportion, forty-one per cent, of men transported before 1840 had a skill. This resulted from Macquarie's policy of supplying

the demands of Van Diemen's Land with as many mechanics as possible. Tradesmen accounted for seven-tenths of the skilled. Although more than forty trades were mentioned over half claimed to be either shoemakers, tailors, weavers or carpenters. Butchers, stonemasons, sawyers, blacksmiths and bakers accounted for another quarter of the tradesmen. There were also thirty-four painters, twenty-four bricklayers, twenty-three coopers, twenty-two slaters and eighteen tinsmiths. Four hatters, three bookbinders, six tallow-chandlers, three coach-makers, two glass-blowers and a boat builder also came to the colony. Tradesmen occupied a lowly position in Irish society. Ireland only had a small middle class largely confined to the towns. As one observer remarked, tradesmen were almost as poor as the peasants themselves.³⁴

A fifth of those considered skilled had jobs impossible to classify. Common occupations included seamen, gardeners, carters, sweeps, boatmen, miners and carmen. The fourteen carmen had worked as drivers for the Italian Charles Bianconi who established a system of horse and car transport over most of the country before the railway age. There were also twelve flaxdressers,

34. De Tocqueville, op. cit., p. 137.

twelve quarrymen, six woolcombers, five fishermen, four cotton-spinners, four tinkers and a spectacle maker. Four young convicts described themselves as grocer's boys, three as factory boys and one as a postboy. Some of the men had unusual occupations. Six policemen were transported along with three jockeys, a violinist, a dancing master, a boy from military school and a union pipe player. Like the tradesmen these men often gave a second occupation, usually labourer or farm labourer, reflecting the insecurity of those with a skill.

Very few of the men had professional qualifications or occupations of a higher social status than tradesmen. Only nine per cent of the skilled or two per cent of the men transported from Ireland fell into these categories. This group included forty-nine clerks, thirteen millers, twelve farmers, ten schoolmasters, nine grocers, six merchants, three surveyors, two apothecaries, a coroner, a botanist, two law students, a lawyer, a public notary and a solicitor. The farmers have been included among these men because those who classed themselves as such were so rare that it is likely that they owned substantial holdings. William Smith O'Brien, an ex-member of parliament who led the 1848 revolt, simply gave 'gentleman'

as his occupation.³⁵

Skilled men were better educated than the unskilled. They also differed in the types of crime they committed. Relatively more of the skilled had been convicted of ordinary larceny, burglary and coining. Only twenty-two per cent stole animals. Male servants, two-thirds of whom came from the province of Leinster, were similar to skilled men in their offences, literacy, ages, previous convictions and marital status. When compared to farm labourers relatively more servants could read and write, more gave ages under thirty, more were single, more had previous convictions and most had been transported for ordinary larceny or burglary.

Hardly any of the female country servants defined the sort of work the job entailed although some toiled as dairymaids or milkmaids. The 'nurses' usually meant nursemaids. The position was often held by very young girls as fifty-nine per cent of nursemaids from Ireland were under twenty years of age. Most of the other occupations of women are self-explanatory but a small number had skilled jobs. This group included fifteen

35. Con 37/5.

shoebinders, twelve bonnet-makers, three upholsterers, two midwives, two staymakers and a leather dresser. A few of the women were unemployable because of age or infirmity. A typical example, Catherine Walsh, tried in Cork City in 1850, was described as "unfit for service being insane."³⁶ Two old Irish women, Mary McAlister aged seventy-five and Jane Keenan aged sixty-three, both infirm, caused the comptroller general of convicts, Matthew Forster, to complain to Governor Wilmot that it was "indeed a rare occurrence that transports arrive without bringing some convicts who are Maimed, halt or otherwise Invalid."³⁷

Prostitution was relatively more common among English and Scottish females than among women from Ireland. Whereas probably a fifth of all women transported to Australia were prostitutes³⁸ only thirteen per cent of Irish female convicts had been on the town. It appears likely that at least some of the women had been forced into prostitution through distress caused by poverty or famine. Nearly two-thirds had been on the town less than two years. The proportion who had followed the

36. Con 41/30.

37. GO 33/53 Forster to Wilmot, 15 November 1845.

38. L. Robson, op. cit., pp. 77-78.

profession less than one year increased from thirty-one per cent between 1840 and 1845 to thirty-nine per cent during famine years and again to fifty-seven per cent between 1850 and 1853. Some like Susan Malone, tried in Limerick in 1848, had been prostitutes for only two or three months.³⁹ Others had only three to four weeks on the town before committing the offences leading to their transportation. An extreme case was that of Bridget Egan, tried in Tipperary for vagrancy in 1844. She had the misfortune to be classed as a prostitute after only two days on the town.⁴⁰

Prostitutes differed in many ways from other women tried in Ireland. A disproportionate number practised their profession in urban areas. The courts in the major cities of Munster tried a quarter of the prostitutes from that province and well over a third of the 'fallen women' convicted in Leinster came from Dublin City. Only three per cent were married and over half gave ages ranging from twenty to twenty-four. Some of the women had been on the town from an early age. Catherine Coleman, aged twenty when transported for stealing boots

39. Con 41/20.

40. Con 41/8.

in 1844, said she had been a prostitute for two years.⁴¹ Eleanor Devine from Dublin City had been on the town since fifteen.⁴² Three-quarters of the prostitutes had also been previously convicted, mainly for drunkenness or vagrancy. Most claimed to be domestic servants but twenty-two per cent had worked as country servants. As with other women from Ireland larceny was their major offence, but thirteen per cent of the prostitutes had been transported for vagrancy, relatively more than was found in any other group of women from Ireland.

In contrast to other felons men and women tried in Ireland came mostly from country districts. Only eighteen per cent of the women and fifteen per cent of the men had been transported from the cities. On the other hand large numbers of English offenders came from urban areas, London and the cities of Lancashire alone providing fifty per cent of the women and thirty-four per cent of the men tried in England.⁴³ The main places of trial of convicts from Ireland can be seen in Table 7.

41. *ibid.*

42. Con 41/5.

43. L. Robson, op. cit., Table 4(n), p. 186, Table 4(d), p. 178.

TABLE 7

Places of Trial of Convicts From Ireland %

	Men	Women
Dublin City	10	11
Dublin	6	3
Kings	3	2
Meath	3	2
Westmeath	3	2
Kildare	2	3
Leinster province	41	40
Cork	8	9
Cork City	2	3
Tipperary	8	4
Limerick	5	4
Limerick City	1	2
Clare	3	4
Munster province	33	32
Antrim	4	4
Tyrone	2	4
Fermanagh	2	3
Ulster province	14	18
Galway	4	5
Mayo	3	2
Connaught province	12	10

Regional contrasts within Ireland determined to some extent the kind of convict likely to be sent from certain areas. Some areas were less depressed than others. In the province of Ulster a system of tenant right combined with widespread domestic industry gave farmers at least security of tenure and relative prosperity.

One traveller thought Ulster was a different world when compared to other Irish provinces. It had pretty houses, neat cottages, well cultivated fields and no melancholy ruins or dirty cabins by the roadside.⁴⁴ Connaught had the worst poverty and under-employment. Many of the men although owning some land had to seek work elsewhere to supplement their incomes. Pressure on the land was severe and the overwhelming majority of people attempted to find a living on farms of less than five acres.⁴⁵ The Drummond Commissioners found in 1838 that agriculture in Connaught was in its "rudest and lowest state", adding that the country was "covered with small occupiers, and swarms with a wretched and indigent population."⁴⁶ Munster, although less poverty-stricken than Connaught, suffered similarly from small holdings which led to subsistence farming and a low standard of living. Leinster, the most urbanized province with thirty-one per cent of its people living in towns in 1841⁴⁷, had better communications and less acute pressure on the land than Connaught or Munster. Convicts tried in

44. C. Maxwell, op. cit., p. 289.

45. T. W. Freeman, op. cit., p. 242.

46. ibid., p. 242.

47. ibid., p. 27.

urban areas also differed completely in some respects from those tried in the countryside.

The famine had its effect on the numbers transported from particular areas in Ireland. The rural community faced mass starvation and many country people were forced into crime. As Table 8 illustrates, the proportion of convicts tried in cities fell during famine years.

TABLE 8

	Urban Convicts Tried in Ireland %			
	1803-1839	1840-1845	1846-1849	1850-1853
Men	28	18	9	9
Women	42	21	18	11

Better economic conditions in Leinster and Ulster enabled their people to escape; they could at least afford to emigrate. These two provinces had the smallest loss of population due to famine.⁴⁸ But the passage money could not be found by many of the already poverty-stricken peasantry of Munster and Connaught. During famine years Cork, Kerry and Clare in Munster and Galway and Mayo in Connaught lost through famine deaths 325,000 people, or fifteen per cent of their 1841 population. Tipperary and Limerick in Munster lost a further 90,000 or twelve per cent of their people. More than half of Ireland's

48. C. Woodham-Smith, op. cit., p. 409.

famine deaths occurred in these seven counties.⁴⁹

Therefore it is not surprising that an increased proportion of convicts came from these counties during famine years.

It can be seen from Table 9 that together Munster and Connaught provided a majority of the famine offenders.

TABLE 9

Place of Trial of Famine Offenders %

Date of Arrival	Munster		Connaught		Leinster		Ulster	
	Men	Women	Men	Women	Men	Women	Men	Women
1803-39	13	16	8	6	58	67	21	11
1840-45	27	20	9	9	47	46	17	25
1846-49	40	37	18	13	33	34	9	16
1850-53	47	40	15	11	29	35	9	14

These conditions produced differences among convicts from the four provinces. Courts in Ulster tried fewer catholics than any other province. Like prisoners from Leinster they had a high level of literacy. Men from Munster and Connaught tended to be older and more often married and their occupations reflected their agrarian background. While relatively more skilled men came from Leinster and Ulster, labourers or farm labourers accounted for over four-fifths and three-quarters respectively of men from Connaught and Munster. But the

49. N. Coughlan, "The Coming of the Irish to Victoria", Historical Studies of Australia and New Zealand, Vol. 12, No. 45, October 1965, p. 72.

unskilled still constituted the majority in all provinces. Only a third of Ulster men and thirty-one per cent of those from Leinster had a skill. Connaught and Munster also provided most of the female country servants. Convicts from the rural provinces were more likely to have been tried in the area of their birth. This is consistent with the economic conditions in the poorer provinces. It is unlikely that men would have gone there in search of work. But the more prosperous eastern counties attracted unemployed men and women. As Table 10 illustrates large numbers of convicts transported from Ulster and Leinster were not tried in their native place.

TABLE 10

Convicts From each Province Not Tried in Native Place %

	Leinster	Ulster	Munster	Connaught
Men	32	39	12	12
Women	34	40	17	16

Prostitution was more common among women from Ulster. Eighteen per cent of Ulster females compared to Leinster's fourteen per cent, Connaught's eleven per cent and Munster's nine per cent had been on the town.

Animal stealing, social and political offences and crimes of violence caused the transportation of most men from Connaught and Munster. Whereas sixty-five per cent

of men from Connaught and fifty-six per cent of those from Munster committed such crimes, only thirty-five per cent of Leinster men and twenty-eight per cent of those from Ulster were transported for similar offences. Only two per cent of Ulster men compared with ten per cent of male prisoners from Munster and Connaught had been convicted of social and political crimes. The major offence of women from all provinces was ordinary larceny, but relatively more women from the rural areas stole animals or were arsonists. Twelve per cent of women from Munster had been convicted of arson while twenty-nine per cent of females from Connaught had stolen animals. Eight per cent of Ulster women, nearly three times as many as from any other province, were transported for vagrancy, a crime common to known prostitutes. Men and women from Connaught and Munster also had more first offenders among their numbers, as can be seen from Table 11.

TABLE 11

Former Offenders from each Province %

	Leinster	Ulster	Munster	Connaught
Men	46	45	30	23
Women	68	68	58	60

A detailed analysis of prisoners tried in urban and

rural areas reveals basic differences. By far the biggest and most representative group of urban offenders came from Dublin City. Judging by their occupations most would have lived in the poorer working class districts. The majority of women claimed to be housemaids of various sorts and fifty-six per cent of the men were labourers or servants. Engels described the suburbs from which most Dublin City convicts would have come as being "among the ugliest and most revolting in the world". He continued, the "slums of Dublin are extensive. The filth and dilapidation of the houses and utterly neglected condition of the streets beggar description and are beyond belief."⁵⁰ Overcrowding was common with several families living in the same house. In the Castle Ward 3,358 families shared 1,073 houses while in the Post Office Ward 5,000 families crowded together into 1,142 houses.⁵¹ Such living conditions and poverty bred crime.

Except for their religion men and women tried in Dublin City were similar to convicts of other nationalities.

50. F. Engels, Condition of the Working Class in England, Tr. Chaloner and Henderson, Great Britain, 1958, p. 40.

51. T. W. Freeman, op. cit., p. 64.

Nine-tenths of the females and seven-tenths of the males had been transported for ordinary larceny, many having attempted to supplement their incomes by picking pockets. A higher proportion of men than in country areas had been convicted of burglary or military offences but relatively few urban felons had been involved in social or political revolt or had committed crimes of violence. City convicts were also more persistent offenders. Ninety-two per cent of the women and eighty-five per cent of the men had been previously convicted. It can be assumed from the types of offence committed and the large numbers previously convicted, that Dublin City provided Van Diemen's Land with many men and women who had not only lived by crime but who had become inured to it.

The youth of the men from Dublin City also distinguished them from country offenders. Thirty-six per cent (six per cent under fourteen) were under twenty years of age. City women tended to be older. Forty per cent of the men were skilled, many more than was usually found outside the city, and only four per cent of both men and women classed themselves as farm labourers or country servants. The drift to the cities is reflected by the thirty-two per cent of women and

thirty per cent of men tried in Dublin City who had not been born there. Prostitution was rife and over a fifth of the women had been on the town. Eliza Byrne, a typical example, was transported in 1842 for stealing a coat. She was single, had four previous convictions and had been a prostitute for eighteen months.⁵²

Convicts from Cork City followed a similar pattern to those tried in Dublin City. Again larceny was the major offence although seven per cent of the men had received their sentences at courts martial and eleven per cent of the women had been transported for vagrancy. At least two-thirds of both men and women had previous convictions. Like English and Dublin City men, male convicts from Cork City had relatively large numbers with skills and under twenty years of age. Yet twelve per cent of men and seventeen per cent of women claimed to be farm labourers or country servants. Employment opportunities in Cork City could not have been as attractive. Only fifteen per cent of men and twelve per cent of women tried there came from other areas. Prostitution was also not as prevalent; only fifteen per cent of the

52. Con 40/2.

women had been on the town.

The counties of Cork, Tipperary and Limerick in Munster and Galway in Connaught can be taken as representative of the rural districts in Ireland. Together they tried twenty-five per cent of the men and twenty-two per cent of the women. Differences in the offences of urban and rural offenders are obvious. Compared to the cities ordinary larceny even among women was a minor problem. The proportion of men transported for the offence ranged from as low as eleven per cent in Galway to only twenty-eight per cent in Cork. The majority of women had been tried for ordinary larceny except for those from Limerick, nearly a quarter of whom received stolen goods. Animal stealing was a common rural offence especially in Galway and Cork where sixty-three per cent and fifty-one per cent respectively of men were convicted of the crime. Crimes of violence occurred with alarming frequency in both Tipperary and Limerick. In Tipperary twenty per cent of men committed either murder, manslaughter, maiming or assault. These two counties also tried large numbers of political and social offenders, twenty-two per cent in Limerick and nineteen per cent in Tipperary. Many of the women had been transported for arson or animal stealing. Arson resulted in the

conviction of ten per cent of women from Limerick, thirteen per cent from Cork and in Tipperary twenty-two per cent. Many more first offenders came from these counties. Only a fifth of men from Tipperary and a third of those from Cork had been convicted before. For women the range spread from forty-one per cent in Limerick to sixty-six per cent in Cork.

A high level of illiteracy existed among rural convicts. In Dublin City twenty-two per cent of the men and thirty-two per cent of the women were illiterate compared to over forty-five per cent of the men from Cork and Galway and over sixty-four per cent of women from Tipperary and Limerick. Only a few very young men arrived from the country; not more than a tenth under twenty years of age in any of the counties under discussion. But the women had more under thirty years of age than city females. Still, more married men and women came from rural areas than from the city. The unskilled constituted the greater part of those sentenced in the countryside. Tipperary is typical; nearly four-fifths of the men were labourers or farm labourers and over two-fifths of the women claimed to be country servants. Few of the women had been on the town; in Limerick the proportion of prostitutes was only five per cent. Most

country offenders had been tried in their native place.

The Irish convict's status before conviction can be assessed from their occupations, religion and agrarian background. Most would have been peasants as relatively few catholics managed to rise above that class. The rural provinces of Munster and Connaught provided over half of the unskilled men and female country servants. It was in these areas of Ireland that the cottier and conacre systems prevailed to the fullest extent. It is fair to assume that most men would have been cottier-labourers, conacre men or landless labourers struggling to make a living. Many of the female country servants would have also come from poor families. It was a practice of Irish parents to place their elder children among local farmers in order to earn enough to furnish a cabin and become a cottier.⁵³ It was these peasants who bore the brunt of the famine. As a class the cottiers were almost wiped out.⁵⁴ It is no coincidence that the proportion of unskilled men and female country servants increased among convicts tried during famine years, as Table 12 shows.

53. W. Carleton, op. cit., pp. 395-396.

54. O. MacDonagh, op. cit., p. 328.

TABLE 12

Unskilled Men and Country Servants Tried During the
Famine %

	1803-1839	1840-1845	1846-1849	1850-1853
Unskilled men	47	66	75	75
Country servants	-	23	30	40

Irish convicts differed from English offenders in one other aspect. More often than not they had been sentenced in the courts of their native county. Only twenty-three per cent of men and twenty-seven per cent of women from Ireland, compared to forty per cent of men and over half of the women from England⁵⁵, had not been tried in their place of birth. Two reasons explain this divergence. In Ireland there was little incentive to leave if land could be obtained. If it became necessary to move higher wages and better employment could be found in England. Ordinary larceny and animal stealing caused the transportation of most prisoners sentenced out of their native place. Ten per cent of the women had been convicted of arson. Only four per cent of the men were social or political offenders. A high proportion of the men, thirty-six per cent, had a skill but thirty per

55. L. Robson, op. cit., Table 5(1), p. 191, Table 7(g), p. 202.

cent of the women were country servants. These convicts were also more likely than the average Irish prisoner to have been previously convicted.

IRISH CONVICTS TRIED ELSEWHERE

Four government committees favoured emigration as a means of relieving Ireland of its surplus population, thus effectively reducing pressure on the land. Economic conditions within the country resulting in an "inconceivable multitude of paupers"⁵⁶ and mass unemployment made it unnecessary for the authorities to offer incentives. Destitution forced hundreds of thousands of Irish men and women to leave their country. Many, particularly during the famine, had to emigrate or die of starvation. The British army, despite its harsh discipline, offered some men security. A few of the emigrants and soldiers fell foul of the law and were transported to Van Diemen's Land. Other Australian colonies also provided Irish convicts for the island, most of them doubly convicted. The places of trial of Irish-born sentenced in areas outside Ireland can be seen in Table 13.

56. W. Carleton, op. cit., Vol. 2, p. 334.

TABLE 13

Convicts Tried Elsewhere

Place of Trial	Men	Women	Total
England, Scotland, Wales	1707	950	2657
Overseas Colonies	536	-	536
Australian Colonies	311	-	311
Total	2554	950	3504

The question arises; were these convicts similar to men and women tried in Ireland or did they conform more to the general pattern of all prisoners?

England, Scotland and Wales

With regard to offenders from England, Scotland and Wales a discussion of their background will help in answering the question. A distinction must be made between temporary immigrants and those who remained permanently in Britain. The permanent residents had been attracted by employment opportunities created during the industrial revolution. It was not difficult to learn to work the hand loom and expansion of the textile industry in Scotland and Lancashire opened the way for many Irish agricultural labourers to become weavers, often at wages lower than had been traditionally paid.⁵⁷ The Irish, being well-suited to the roughest, heaviest and dirtiest

57. J. L. and B. Hammond, The Town Labourer, New York, 1968, p. 11.

forms of unskilled labour, were also prominent in coal mining and canal and railway building.⁵⁸ In 1841 5,000 Irish men worked on railway construction.⁵⁹ Often English employers preferred to hire the Irish for unskilled work rather than the native workers.⁶⁰ There was another type who usually stayed permanently giving the Irish a bad reputation. Mendicants found it easier to live in Britain and they came in large numbers. One-third of the 15,000 beggars in London in 1815 had come from Ireland.⁶¹ The seasonal immigrants left Ireland to labour at harvest time so they could earn enough to pay the rent on their land. Wages for agricultural work had always been higher in Britain but there was an added attraction; a destitute cottier knew he would not be allowed to starve when under the provisions of the English poor law most districts provided outdoor relief. Some of the harvesters remained, adding to the numbers already settled in the country.

58. J. A. Jackson, The Irish in Britain, London, 1963, pp. 79, 85, 87.

59. B. M. Kerr, op. cit., p. 374.

60. E. P. Thompson, The Making of the English Working Class, Great Britain, 1968, p. 474.

61. J. A. Jackson, op. cit., p. 73.

62. C. Woodham Smith, op. cit., p. 266.

The emigration was on a massive scale. As early as 1799 attention had been drawn to the thousands of lower-class Irish who flocked into England during harvest months.⁶³ But the great flood of emigration, facilitated by the development of ships powered by steam, only really began after the 1822 famine.⁶⁴ In 1841 over 50,000 harvesters entered Britain and nearly half a million Irish lived in the country.⁶⁵ The Great Famine caused others to leave. During 1846 and 1847 over half a million Irish arrived in Liverpool alone and many, particularly the really poor, stayed on.⁶⁶

Most of the Irish who lived in Britain were drawn to the large cities and industrial areas where employment could be obtained. In 1840 12,000 Irish lived in London, 40,000 in Manchester, 34,000 in Liverpool, 24,000 in Bristol, 40,000 in Glasgow and 29,000 in Edinburgh.⁶⁷ The Irish always formed the lowest class of the populace and their standards of living were appalling. They

63. B. M. Kerr, op. cit., p. 372.

64. George O'Brien, op. cit., p. 210.

65. T. W. Freeman, op. cit., p. 38.
B. M. Kerr, op. cit., p. 372.

66. T. A. Jackson, op. cit., p. 9.

67. F. Engels, op. cit., p. 104.

crowded into houses badly constructed and in need of repair, adding to the confusion by their habit of keeping pigs, goats and dogs. Being among the poorest-paid labourers they dressed in rags and often wore no shoes. A description of the Irish rookery in Manchester can be taken as typical; "A horde of ragged women and children swarm about, as filthy as the swine that thrive upon the garbage heaps and in the puddles".⁶⁸ St. Giles in London catered for the poorest of the poor and the worst paid workers who lived with thieves and prostitutes all indiscriminately huddled together. The majority were Irish or of Irish extraction.⁶⁹ The Irish were never popular for not only did they receive the blame for the overcrowding, fever and misery in the cities, they were also regarded as threats to the British way of life and the moral standards of the population.⁷⁰ Their drunkenness and pugnacity towards men from other parts of Ireland were proverbial. Hostility also arose when Irish competition undercut the wages of British workers. In

68. *ibid.*, p. 60.

69. *ibid.*, p. 27.

70. J. A. Jackson, op. cit., p. 40.

Scotland the use of Irishmen to break strikes allied with the formidable competition of the harvester caused much bitterness.⁷¹ Frequent fights also occurred between English and Irish railway workers.⁷²

Being mostly catholics they were similar to other Irish convicts. But more were protestants; over a fifth of the women and a quarter of the men followed protestant faiths. Relatively more could read and write when compared to men and women tried in Ireland. Sixty-one per cent of the men and twenty-nine per cent of the women were literate. They tended to be older than other convicts from Britain and Ireland, over a third giving their ages above thirty. But they can be considered similar to other British offenders in their marital status, previous convictions, offences and occupations. Large numbers of the Irish tried in Britain, in contrast to those sentenced in Ireland, had been convicted before. Seventy-two per cent of the women and forty-four per cent of the men had been in previous trouble. Relatively more Irishmen tried in Britain than of those from Ireland had skills. Although a few women worked as country

71. *ibid.*, p. 87.

72. B. M. Kerr, op. cit., p. 375.

servants most claimed to be domestic servants, as can be seen in Table 14.

TABLE 14

Occupations of Irish-born tried Britain

Men						
Labourer	Farm Labourer		Servant	Skilled		
29%	16%		9%	46%		
Women						
Country servant	Housemaid	Laundress	Nurse	Needle woman	Cook	Other
11%	57%	9%	5%	3%	11%	4%

Of the 775 skilled Irishmen tried in Britain 414 or fifty-three per cent were tradesmen, mainly shoemakers, tailors, weavers and bricklayers. Most of the others were stonemasons, carpenters, bakers, painters, butchers or blacksmiths. It was impossible to classify two-fifths of the jobs held by skilled Irishmen from Britain. This reflects the wide range of employment that was available to unskilled men who went there. By comparison Ireland had few employment opportunities for men forced off the land. Fifty-three sailors, eighteen gardeners, nine dyers, five boot-closers and nine colliers were among these men. Industrial undertakings also employed some of the Irish, including sixteen cotton-spinners, nine

factory boys, five wool-combers, two knife-grinders and a tool-maker. Young men had jobs as shopboys, errand boys and tailors' boys. A few had become labourers attached to tradesmen such as the six bricklayers' labourers. The relatively rare jobs included a musician (French Horn Trumpet), an artist, two well-sinkers, a pin-maker, a milkman and a woodcutter. If other jobs were unavailable many Irishmen became street-sellers. For example, a farmers' labourer tried in Glasgow was "Last Hawking" when convicted in 1828 for receiving stolen goods. Eighteen hawkers, thirteen carters and a peddler were among Irishmen transported from Britain. Only fifty-six men, twenty-nine of them clerks, held professional occupations. Four surgeons, two lawyers, a dentist and a clergyman of the Established Church (transported for forgery) were in this group. They accounted for only seven per cent of the skilled Irishmen tried in Britain.

It is difficult to discover whether the skilled men had settled permanently but it is very likely that they had. One cotton-spinner had lived eleven years in Manchester but a baker had been in England only five months. The skilled men came mainly from the urban areas of Middlesex, Lancashire and York, a sign that they had become permanent residents. They differed in some

ways from other Irish tried in Britain. Many more of the skilled were protestants and they tended to be better educated. They also had more with previous convictions when compared to the farm labourers. Larceny caused the transportation of the majority but substantial numbers had been convicted of burglary, highway robbery and crimes of violence. Servants were in many ways similar to the skilled men except that not so many were under twenty years of age and more had been convicted of military offences.

Irish farm labourers tried in Britain were similar to men convicted in Ireland suggesting that most were seasonal immigrants. Large numbers could neither read nor write, were married and had committed their first offence in England. Like men from Ireland they tended to be older than other British offenders. Thirty-five per cent of farm labourers had been transported for ordinary larceny but over half of the men in all other occupations had committed the offence. Some of the labourers would have been seasonal workers but as a group they differed. Twenty-eight per cent of labourers compared to only five per cent of farm labourers and sixteen per cent of skilled men were nineteen years of age

or younger. The labourers also had more men previously convicted; over half in contrast to only thirty-seven per cent of farm labourers. As with the skilled, the labourers had mostly been convicted of larceny, burglary and highway robbery but a significant proportion, six per cent, had been tried at courts martial. Eight per cent of the farm labourers had also been soldiers.

The female country servants could have been seasonal workers but it is more likely that all Irish women who went to Britain intended to make that country their home. Relatively more of the Irish women tried in Britain than of females from Ireland were prostitutes. Seventeen per cent had been on the town, nearly half for longer than three years. The gaol reports of prostitutes from Britain were much more detailed than those of women tried in Ireland. Some idea of how they were regarded and of their background can be obtained from them. Winifred Rooney, for example, had kept a house of ill-fame for four years before being transported in 1843 for stealing £5 in Liverpool.⁷³ Comments on other prisoners included:

"bears a most infamous character in every point of view".

73. Con 41/1.

"lived as a Prostitute and Brothel Keeper 12 Years".

"a thief and prostitute".

"4 times convicted a disorderly prostitute & a thief
for the last 3 years".

"a reputed thief a drunken idle and disorderly
prostitute".

The majority of Irish convicts from Britain, unlike those from Ireland, had been tried in urban areas, mainly in English counties, although substantial numbers of both men and women arrived from Scotland. Welsh courts sentenced only thirty men and three women. The main areas of trial can be seen in Table 15.

TABLE 15

Places of Trial of Irish-born Tried in Britain %

Place of Trial	Men	Women
Lancashire	24	27
London-Middlesex	20	29
York	6	5
Scotland	14	17

The courts of Liverpool, Manchester and Lancaster in Lancashire tried 617 of the 666 Irish men and women transported from that county. Similarly 446 of the 611 Irish convicts from the London-Middlesex area had come from London. Glasgow and Edinburgh provided 281 of the 392 Irish tried in Scotland.

Despite the urban environment of most Irish convicts tried in Britain there existed significant differences between them. Although catholics were the majority in all areas Scottish courts tried a higher proportion of protestants than was usual, while relatively more male offenders under twenty years of age came from London and Lancashire. Irish men and women from Lancashire had relatively more former offenders than any of the other Irish groups from the main areas of trial. Surprisingly the London Irish varied from those in Lancashire in this respect. Only forty-two per cent of men and sixty-four per cent of females from London compared to sixty-four per cent of men and eighty-five per cent of women from Lancashire had been convicted before. More single men and women came from London and Lancashire than from Scotland. Irish men and women tried in Scotland also differed in their occupations, farm labourers accounting for twenty-five per cent of the men and country servants for nineteen per cent of the women. Skilled men and housemaids were more prominent amongst convicts from Lancashire and London. The women from Lancashire included many who were prostitutes. Twenty-eight per cent of Lancashire women had been on the town while only fifteen per cent of females from London and twelve per cent of

Scottish women followed the profession. The offences also distinguished Irish convicts from the various areas of trial in Britain. In all places except Scotland ordinary larceny was the major offence. Only a quarter of the men from Scotland were transported for ordinary larceny but twenty-eight per cent had been convicted of burglary and nine per cent of highway robbery.

Overseas Territories

The 536 Irishmen transported from British overseas territories had mostly been members of the army. Three hundred and eighty-two came from India, Canada or the West Indies. Others had been convicted in colonies as far apart as New Zealand, South Africa and Gibraltar. They can be regarded as a distinct group although most were catholics. When compared to men tried in Ireland relatively more could read and write. The army attracted from Ireland young unmarried men who had few skills. Only four were under the age of twenty, but nearly three-quarters gave ages ranging from twenty to thirty. Seven per cent were married, the smallest proportion to be found among any group of Irishmen. Although thirty per cent had a skill thirteen per cent classified themselves as servants and the rest as labourers or farm labourers. Half had previous convictions mainly for breaches of army

discipline. Their offences also distinguished them from other convicts. Over four-fifths had been tried for military offences.

Australian colonies

New South Wales courts tried the overwhelming majority of Irishmen from other Australian colonies, although a few came from Adelaide, Melbourne and Western Australia. One hundred and twenty-seven men arrived via the penal settlement on Norfolk Island. One hundred and ninety-four or sixty-two per cent were serving their second term of transportation. These doubly convicted felons were considered by all colonial governors to be the worst possible type of convict. The rest of the men from the Australian colonies had been either serving soldiers or free immigrants. Thirty-one or eleven per cent were tried at courts martial. Other characteristics distinguished these convicts from other Irish felons. Ordinary larceny was only a minor offence while crimes of violence, often associated with armed robbery and bushranging, caused the transportation of many men. Only twelve per cent were married, yet they tended to be older than any other group. Sixty-three per cent (ten per cent above fifty years) were aged thirty years or above. A third had skills but like other Irish convicts most were

unskilled.

* * *

From the preceding discussion it can be seen that overall prisoners tried in Ireland differed not only from convicts of other nationalities but also from Irish felons convicted in other areas of the British Empire. Men and women from Ireland can be distinguished from English and Scottish convicts by their agrarian background, catholic religion, mass illiteracy, and their large numbers of unskilled men and female country servants. They also had relatively more married and older men, younger and unmarried women and fewer prostitutes. Although they differed they cannot be regarded as a monolithic group. It is necessary to distinguish between protestants and catholics, urban and rural offenders, the unskilled and the skilled and convicts from the four provinces, especially those from Ulster. The only similarity between the Irish from Britain, Ireland and the overseas colonies was their religion, the overwhelming majority being catholics. Irish convicts from Britain, although unique in some respects, conformed more to the pattern of English and Scottish offenders. But differences existed among the Irish tried in England, Scotland and Wales. The farm labourers resembled men from Ireland.

This was hardly unusual as most would have been seasonal immigrants. Irish convicts from Scotland varied in many ways from those tried in Lancashire and London. The Australian and overseas colonies also provided distinct groups of Irish for Van Diemen's Land. Most of those from Australia were doubly-convicted and military offenders predominated among Irish tried in overseas territories. Convicts from Ireland were also different because of their high proportions of first offenders and the types of crime they committed, but these topics will be dealt with in the following two chapters.

CHAPTER II

Offences of the Male Convicts

Men transported from Ireland have generally been regarded, because of their background and the crimes they committed, in a more favourable light than other male prisoners. William Ullathorne, subsequently bishop of Birmingham, who arrived as a priest in Hobart with Bishop Polding in 1836, believed most Irish convicts had been transported "for the infringement of penal laws, for agrarian offences and minor delinquencies" while those from England were "punished for direct aggressions on property or the person".¹ This view is supported by the Congregationalist minister John West, the main spokesman for the anti-transportation cause during the late 1840s and early 1850s. He found Irish prisoners to be often honest men who "united a species of patriotism" with their aggressions.² The Irish authorities argued

1. W. Ullathorne, The Catholic Mission in Australia, Liverpool, 1837, p. 15.

2. J. West, The History of Tasmania, Ed. A. G. L. Shaw, Sydney, 1971, p. 518.

that differences between English and Irish convicts made it unnecessary for them to rigidly adhere to the provisions of the exile system. The Irish were not hardened offenders and often committed crimes through distress, "nor are they usually found associated in Gangs under experienced leaders for the commission of Great and well planned crimes."³ William Carleton the eminent novelist and acute observer of the Irish peasantry suggested that "Individually the Irish loathe murder, as much as any people in the world ...; but in the circumstances ... it often happens that the Irishman is not a free agent; ... on the contrary, he is frequently made the instrument of a system to which he must become either an obedient slave or victim."⁴

Later writers have reached similar conclusions. The ex-Fenian and founder of the Irish Land League, Michael Davitt, toured Tasmania in 1895 and expressed the opinion that Irish excesses could be largely attributed to a system of legal savagery. Sympathy rather than shame should be felt for the "humble Irish reformers."⁵ The

3. GO 1/75 Redington to Waddington, 27 June 1849.

4. William Carleton, Traits and Stories of the Irish Peasantry, Vol. 1, Dublin, 1843, p. XX.

5. Michael Davitt, Life and Progress in Australia, London, 1898, pp. 195 and 197.

historians tend to agree with contemporary opinion. Lloyd Robson says the Irish may have more claim than most prisoners to the title of village Hampdens.⁶ A. G. L. Shaw believes this appraisal to be due to the presence among them of men guilty of crime only a technical sense, "nationalists fighting British domination and social rebels protesting against a harsh and unjust land law which condemned them to poverty and starvation."⁷ Is there any evidence to support these views? Can Irishmen sent to Van Diemen's Land be considered village Hampdens "torn from their native heath by harsh landed-class legislation for trivial offences committed from economic necessity"?⁸ Were they really less criminally inclined than other prisoners?

Irishmen arriving in the colony certainly had higher proportions of first offenders and of men with short sentences than did English or Scottish prisoners. Tables 16 and 17 illustrate these points.⁹

6. L. Robson, The Convict Settlers of Australia, Melbourne, 1965, p. 26.

7. A. G. L. Shaw, Convicts and the Colonies, London, 1966, p. 166.

8. L. Robson, op. cit., p. 3.

9. Figures for English and Scottish convicts from L. Robson, op. cit., Table 5(d), Table 5(c), p. 189.

TABLE 16

Proportion of Former Offenders

Ireland	England	Scotland
36%	68%	78%

TABLE 17

Period of Transportation %

Where convicted	7 years	10	14	15	life
Ireland	68	18	3	4	7
England	47	8	13	3	29
Scotland	51	8	29	-	12

These differences are due mainly to the transportation of a large number of men tried for their first offence during famine years and to methods adopted in Ireland to select exiles. The exile system* worked reasonably well in the model prisons at Millbank and Pentonville in England but failed almost completely in Ireland because of crowded gaols arising from famine-induced destitution and distress.¹⁰ In the gaols of Dublin county 800 to 1000 convicts had been detained "under circumstances which prevented any proper system of Discipline."¹¹ Other

* See Introduction and Chapter IV, Section II, 1840-1853.

10. GO 33/68 T. Redington to Denison, 19 May 1849.

11. GO 33/66 T. Redington to Denison, 18 September 1848.

county gaols contained more than double the number for which they had been built. Grand Juries were prevented by already heavy financial burdens caused by famine from sanctioning the necessary expenditure to improve them.¹² The number of prisoners "impeded if not seriously obstructed the course of Moral and Industrial training",¹³ yet it was expected that a constant and uninterrupted course of religious and moral instruction during the voyage to the colony would obviate to some degree these disadvantages.¹⁴

The Irish authorities believed that with care they could select proper persons as exiles, even if they had not served the correct time in gaol or received the appropriate training.¹⁵ The men aboard the Pestonjee Bomanjee had been chosen for their orderly conduct at the depot, previous good character and the nature of their offence¹⁶, as had those on the Blenheim. All men aboard the Blenheim had sentences of seven years and 164

12. GO 1/75 T. Redington to Waddington, 27 June 1849.

13. GO 1/71 T. Redington to Waddington, 19 November 1848.

14. GO 33/66 T. Redington to Denison, 18 September 1848.

15. GO 1/75 T. Redington to Waddington, 27 June 1849.

16. GO 1/71 T. Redington to G. Cornwall Lewis, 12 September 1848.

had stolen sheep or meat because of distress.¹⁷ With very few exceptions the exiles on the Hyderabad had never before been convicted.¹⁸ These selection procedures effectively excluded many men serving long sentences and with previous convictions. As a result Van Diemen's Land received from Ireland men not normally criminal but who had been forced into crime through destitution. Between 1846 and 1849 only seventeen per cent of Irishmen transported to the colony had been convicted before compared with thirty-nine per cent from 1840 to 1845. As can be seen in Table 18 the proportion serving seven year sentences increased substantially during famine years.

TABLE 18

	Sentences %				
	7 years	10	14	15	life
1803-1839	61	-	7	-	32
1840-1845	65	20	3	6	6
1846-1849	83	8	1	3	5
1850-1853	66	29	1	3	1

Thirty-two per cent of men tried in Ireland had been transported for ordinary larceny and only six per cent received sentences longer than seven years. By contrast

17. *ibid.*, T. Redington to Waddington, 19 November 1848.

18. GO 1/73 T. Redington to Denison, 19 May 1849.

well over half of male English offenders committed the same offence.¹⁹ A disproportionate number had been tried in urban areas. Courts in Dublin City alone sentenced over two-fifths of men tried for larceny in Leinster and nearly a fifth of those from Ireland. Many had previous convictions, were unskilled and gave ages below twenty. Most claimed to be labourers or servants, twenty-nine per cent were nineteen or younger and fifty-seven per cent had been convicted before.

Stealing of food was a relatively common occurrence among men transported for ordinary larceny particularly during the famine. Only a tenth of those convicted of larceny before 1845 stole food while twenty-eight per cent of famine offenders had been tried for the same offence. Potatoes, wheat, oats, meal, meat and bread were the main forms of food stolen. Hunger in Ireland was always widespread. Edward Curley, tried in Dublin in 1841, received seven years for stealing bread; "it was thro' hunger", he said.²⁰ A boy aged fourteen also stole bread in Antrim in 1843 and was unfortunate enough to be transported. During the famine four men were tried for

19. L. Robson, op. cit., Table 6(d), p. 195.

20. Con 33/12.

"Breaking into a store and St[ealing] a quantity of Meal", another man had stolen bread from a cart, and yet another broke into a bakehouse and took some flour. As these men were first offenders it is likely they had to steal in order to escape starvation. Most of those who stole food had no previous convictions and even the few who had cannot be classed as hardened offenders. One man who stole potatoes at the height of the famine in 1849 had spent three months in prison for a similar offence and another, two months for orchard stealing.

Thirty-four per cent stole clothes and two-fifths were convicted of picking-pockets or shoplifting. Considering the poverty of the Irish peasantry, most of them dressed in rags, it is not unusual that so many should have been caught stealing clothes. A typical example was Michael Kehoe, tried in Kilkenny in 1840 for "stealing a coat from Paddy Lawrie."²¹ As in London handkerchiefs, watches and money were the favourite targets of pick-pockets. Young male convicts from Dublin City were especially prone to picking pockets and most had previous convictions. Christopher Daly aged sixteen explained his offence as "Stealing a Silk Hand[kerchief] from the

21. Con 33/3.

person of a Gentleman in Dublin"²² and a seventeen year old was transported for "Picking a Gentleman's Pocket of a cardcase." These two boys had between them five other convictions and had spent twenty-one months in gaol. Thomas Walker, tried in Dublin City in 1842, was only ten years old when transported for stealing a handkerchief. He had "commenced at 6 years of age to steal" and had been sentenced to three months for stealing boots, six months for stealing shirts and six months for picking pockets.²³ A twelve year old had been in prison five times with sentences ranging from three months to twelve months.

Comments in the gaol reports give an idea of the background of many of the men tried for ordinary larceny. One man was described as a "Notorious pickpocket". A thirteen year old labourer from Antrim who had already served three months for stealing rope and twelve months for stealing a blanket had been "Whipped in prison for being bad." Robert McKeever was another apparent young incorrigible. Aged twelve and transported for stealing boots he picked 7/6 from the pocket of the officer who

22. Con 33/37.

23. Con 33/34.

brought him on board the transport.²⁴ One man stole a waistcoat in order to be transported and two seventeen year olds gave information that they had lived "six years by stealing" and "2 years by stealing". John Fox explained his offence as "stealing 3 banknotes from [a] constable ... I have been in the police 2 years at £2/6/3 a month".²⁵ But others had relied on the workhouse to provide a living. One had stolen linen from it and another had previously received "6 months for rioting in [the] workhouse".

Cases of minor larceny impossible to classify covered all fields of stealing. Men from Dublin City stole jewellery, carpet-bags, sacks, tarpaulins, candlesticks, spoons, carpets, coal, lead, books, cushions, pickaxes, timber, snuff-boxes and umbrellas. Like the pockpockets most of these men had previous convictions. Some of the rural offenders took tobacco, rope, linen, leather, saddles and harnesses. One particular rural larceny involved stealing wool by shearing or "stripping" sheep. Hardly any of the men tried for ordinary larceny managed to steal any thing of immense value. One man stole a

24. Con 33/60.

25. Con 33/3.

barrister's decree to prevent a seizure and some of the pickpockets netted between forty and fifty pounds.

Patrick Collins, transported for seven years in 1841, used his position as clerk in a bank to further his own ends. He absconded from the "provincial Bank of Ireland with 525£".²⁶ Hugh McCahill stole from a Cavan post office a letter containing £342.²⁷ But what is to be made of Patrick McLoughlin who stole a seven year old child in Cork City in order "to make a sweep of it"?²⁸

A major difference between offences of English and Irish convicts is the relatively large number of Irishmen transported for animal stealing. Thirty-one per cent of men from Ireland compared to only twelve per cent of males from England were animal thieves.²⁹ Three-fifths came from the rural provinces of Munster and Connaught and over two-fifths claimed to be farm labourers. Animal thieves differed from men convicted of ordinary larceny. Only twenty-four per cent had previous convictions, only six per cent gave ages below twenty, and forty per cent

26. Con 33/12.

27. Con 33/18.

28. Con 33/52.

29. L. Robson, op. cit., Table 6(d), p. 195.

were married. The majority had been tried in famine years and many came as exiles. Animal stealing attracted harsher penalties than ordinary larceny, although the courts were more lenient with men tried for the offence during the famine. Tables 19 and 20 illustrate these points.

TABLE 19

Proportion of Animal Thieves

1840-1845	1846-1849	1850-1853
20%	40%	44%

TABLE 20

Sentences of Animal Thieves %

Sentences	1840-1845	1846-1849	1850-1853	Total Period
7	31	89	54	56
10	61	10	43	39
14	1	-	-	1
15	6	1	3	3
life	1	-	-	1

Sheep and cows were the main animals stolen. Eight hundred and eighty-two sheep and 706 cattle thieves arrived in Van Diemen's Land from Ireland. A further 143 had stolen horses, and 120 pigs had been removed. A few men took poultry, mainly in urban areas, and goats. Animal stealing was to some extent a family affair. Four of the Harney family from Waterford received

sentences of seven years for stealing a pig, as did the three Donovan brothers who stole a bull in Cork.³⁰

Michael Coffee, his brother Thomas and sister Mary "rescued" three of their uncle's heifers from the town pound and were caught and convicted.³¹ Thomas Martin purposely stole a cow in order to be transported because he remembered the colony from twenty years before when aboard a ship carrying convicts, and he now wished to return.³² Pat Doran said he was "drunk and took [an] ass from a field in Co Wicklow - Took it to Kilkenny and kept it 3 days."³³ Others transported for animal stealing had more compelling reasons. Animals provided necessary food particularly during the famine. Two men said their crimes resulted from hunger and another had been compelled through poverty to steal a horse.

As the following confessions illustrate a few men claimed their innocence.

"I bought it [a horse] at a fair but it had been stolen".

30. Con 33/82, Con 33/92.

31. Con 33/15.

32. Con 33/18.

33. *ibid.*

"I exchanged a horse I had for another at a fair and they tried me for having a stolen horse".

"I bought the cow and paid 50/-".

"The sheep had been my property. I sold the sheep". Some sheep stealing was on a reasonably large scale with as many as ten being taken at one time. But judging by the lack of information in gaol reports it appears few organized gangs were engaged in the practice. One exception was Tim Donohoe transported in 1848 for "Being one of an armed party, assault and sheep stealing".³⁴ Only a few animal thieves had been directly involved in rural revolt. One or two cattle maimers arrived along with a 'ribbonman' and a sheep thief who had also administered unlawful oaths. Animal thieves with previous convictions often committed offences similar to the one they had been transported for. Typical examples included men convicted of sheep stealing who had spent six to twelve months in prison for the same offence and a cattle thief who had already served two years for stealing a cow.

Burglary and housebreaking resulted in the conviction of eleven per cent of Irishmen, but in England eighteen per cent had committed similar offences.³⁵ Nearly half

34. Con 33/109.

35. L. Robson, op. cit., Table 6(d), p. 195.

of the Irish burglars had previous convictions and most received long terms; three-fifths were given more than the minimum sentence, fifteen per cent serving life. It is no wonder that the courts treated burglary as a major crime. Many had managed to steal valuable articles. One man burgled a house of £120 of silver plate, another of £700 worth of jewellery, and yet another stole sixty watches and 400 gold rings. Generally these men can be regarded as professional criminals although a few had been forced into their first crime through distress. Stephen Connor broke into a house in 1847 in order to steal meal and during the same year James Donohoe, married with four children, stole flour in a similar manner.³⁶ Three young boys must also be regarded as unlucky to be transported. John Ellis, aged seventeen, and his brothers James aged thirteen and Robert aged eleven had only stolen 2/- from a house in Fermanagh but were sentenced to seven years transportation.³⁷

The most distinctive feature of Irish crime was the number tried for social and political offences. Social offenders committed crimes relating to land disputes

36. Con 33/92.

37. Con 33/47.

and rural revolt. Eight per cent of Irishmen can be considered social or political offenders whereas very few English or Scottish felons were transported for similar crimes. Two-thirds came from Munster and Connaught. Most had been transported for their first offence as only twelve per cent had been convicted before. Over half classified themselves as farm labourers and only four per cent were under twenty years of age. The overwhelming majority were catholics. Many of the crimes were serious as reflected in the sentences given. Although over half had to serve seven years nineteen per cent, and twenty-five per cent respectively were sentenced to life or ten, fourteen or fifteen years.

Purely political crimes caused few men to be transported from Ireland to Van Diemen's Land. Seventeen Irishmen, including Denis McCarthy, sent from New South Wales for disobedience in 1803 and William Carey who was sentenced to life at a court martial in 1800³⁸, had been involved in the 1798 rebellion. Richard Dry who arrived while still serving a life sentence in 1805 had been convicted of a political offence in 1797. The seven Young Irelanders, tried for high treason or

38. C.S.O. 20/38/972.

sedition in 1848, are the most notable examples of political offenders sent to the island. Nine other men had risen in support of Smith O'Brien during the abortive 1848 uprising. The total ineffectiveness of Young Ireland propaganda can be assessed from the confession of Richard Bryan who said "I do not know what it was for".³⁹ These men had attempted to storm the police barracks in Waterford or had solicited support for the attack. Philip O'Reilly, transported in 1847 for publishing a threatening letter, should also be regarded as a political offender. It was a "seditious letter relating to bad landlords".⁴⁰

Secret societies existed in many areas of Ireland and most social offenders were members. Fifty-eight found themselves transported for ribbonism and the administering or taking of unlawful oaths. One member, Richard Jones, explained that ribbonism was the "forming [of] an illegal society for the purpose of protecting Men of our own persuasion against the Orangemen".⁴¹ But religious differences were not as important in the south where conflict over land, allied with an unjust land law,

39. Con 33/100.

40. Con 33/93.

41. Con 33/26.

forced those with grievances to take extra-legal action. The Devon commission testified to the power held by the societies over the peasantry. A large "proportion of the neighbourhood look with indifference upon the most atrocious acts of violence", the report stated "and by screening the criminal abet and encourage the crime. Murders are perpetuated at noon-day on a public highway, and whilst the assassin coolly retires the people look on and evince no horror at the bloody deed."⁴² Informers were often forced to leave Ireland. Philip O'Meara, who gave evidence at the trial of one of the murderers of Richard Chadwick in 1827, had to leave Tipperary. Father Philip Conolly, a native of Ireland and the first catholic priest to serve in Van Diemen's Land, explained the reasons to Governor Arthur. O'Meara "was obliged to secrete himself where he could, and ... attempts were made against the lives of his brothers, one of whom Daniel was ... barbarously murdered in open day ... Destruction impending this family, the safety of their lives was only to be found in abandoning their home."⁴³ John Donnelan Balfe was another informer to come to Van

42. Parliamentary Papers, 1845, Vol. 19, p. 42.

43. GO 33/14 Father Conolly to Arthur, 23 August 1832.

Diemen's Land. He supplied information to the government about the Young Ireland movement. In the colony he was employed as the assistant comptroller of convicts.

Comments in the gaol reports indicate the extent, the types of activity and the background of some secret society members:

"Being a member of a Secret Society. Papers found on my person by the Police - Have 2 certificates of character in possession - Never in prison before".

"Foolish man at home a leader and orator. Very quiet well conducted in prison".

"Up to Whiteboy business an industrious man but since a noted disturber of the peace & captain of Whitefeet".

"Administering an unlawful oath concerning the burning of a house - once [in prison] for [stealing] Gooseberries 1 month".

One hundred and forty-one of the social offenders had attacked habitations usually in well organized groups. An example of such an attack which did not lead to transportation occurred in Louth in 1834. A large armed party went to the house of a man named Hoey, broke in the door and struck him with a pistol. They informed him that if they had occasion to visit again he might as well prepare his coffin. Hoey would give no information to

the police, not even to state the cause of the assault.⁴⁴
 But disputes over land and rent caused most attacks and examples from the confessions confirm the hostility directed against landlords, their agents, competing tenants and the authorities in Ireland. Reasons and descriptions include:

"a steward was lodged in the house - we broke in and pulled him out - and beat him - 13 were engaged with me".

"Being of an armed party who attacked the house of Patrick Tierney [a bailiff] to intimidate him from executing law processes."

"Assaulting a habitation being armed & firing at Patrick Hogan an agent".

"Assaulting a habitation, we went & warned them off the Ground".

"firing a shot into a mans house ... I was not guilty he was an agent".

"Assaulting a habitation we threatened to beat a man it was concerning land".

Stealing of arms was often combined with attacks on

44. Dublin Observer, 1 March 1834.

houses and resulted in the transportation of ninety-three men. The arms were used in other secret society activity and one group was armed with a double barrel gun, a blunderbuss and a bayonet fixed to the end of a pole.⁴⁵ Compelling to quit, armed and unlawful association, appearing armed at night and threatening notices caused the conviction of eighty-eight men. Again land disputes and rent fixing were the main motives for such crime. Typical examples included:

"Appearing armed and attempting to make the O'Neils quit some land".

"Threatening M. Maxewell [to] quit employment".

"attempting by threats to compel John Donohoe to give up his farm".

"Posting a notice threatening Owen Holding that if he did not quit the land - I would provide his coffin".

"Serving threatening letter to Mrs Bourke if she did not reduce the Rent Molly McGuires Boys [another secret society] would visit her they never failed to do their duty".

Forty-eight men had been transported for arson,

45. *ibid.*, 14 December 1833.

another crime often but not always linked with rural revolt. Anthony Kiernan attempted to burn a man and his family in their house.⁴⁶ A house in Limerick belonging to Lord Dunraven also went up in flames. But Patrick McAllen burnt his own home in order to collect the £3000 insurance while Michael Mellon admitted setting fire to a house but claimed he "did it through diversion" not maliciously.⁴⁷ Five men had been transported for industrial disputes. One threatened to quit his employment and earned seven years for his trouble and the other four were sawyers who went on strike in Cork City in 1842. They received life sentences for taking the law into their own hands by, as one of them John Drew put it, "Throwing vitriol on Mr. J. Wilson a saw millkeeper for reducing the price of wages he lost the sight of one eye."⁴⁸

Social offenders also include those who had shot at or assaulted other tenants, police, sheriffs, landlords or agents because of land or rent disputes. All together

46. Con 33/28.

47. Con 33/75, Con 33/48.

48. Con 33/34.

over sixty men committed such crimes. John Fennell was typical. He assaulted the police with firearms and received life; "they were getting a tenant and we resisted", he said.⁴⁹ Other examples which depict the violence of rural Ireland include:

"Attack policeman I struck him a Blow on the ... Head ... it was a ribbon party."

"Shooting at John White ... he was a bad agent & I was advised to waylay and shoot him".

"Keeping forcible possession from the sheriff - we fired through the door of my Uncle's farm".

"Charged with giving a pistol to a Man named Sheridan to shoot Mr. Bradley my landlord".

"Killing Michael Bennett he was serving a process".

"Manslaughter a Man named Timothy Kelly - a Rent Collector for Mr. Hamilton - the Man had once rec[eived] the Rent and omitted giving it to Mr. Hamilton", brother on board for same.

"Murder Ed[ward] Ryan ... quarrel ab[out] land 25 who were tried were discharged, we killed him with sticks and stones".

49. Con 33/75.

"Assaulting T. Dunne with a stick it was about land".

"Firing a shot & attempting to murder ... McCarthy we

had a quarrel he came to seize my father's cattle".

Religious differences also caused strife among men, a few of whom were transported. When orangemen and ribbonmen fought, political and religious feelings were aroused and vengeance was sought. Examples included:

"Assaulting some Men, it was a party faction".

"Assaulting Michael Doogan it was a party faction".

Seven per cent of Irishmen compared to two per cent of men convicted in England⁵⁰ were transported for violent crimes not connected with rural agitation. The offences ranged from assault, wounding and manslaughter through to murder. Faction fighting and quarrels, some of long standing, were a regular feature of Irish life. The confession of William Leper typifies one kind of motive producing such feuds. John Lermont, after a quarrel over cock fighting, had killed a cock belonging to Leper's son. Leper then refused permission for Lermont's mother to walk across his grounds. Mrs. Lermont believed she had been insulted, so her son attacked Leper

50. L. Robson, op. cit., Table 6(d), p. 195.

and was killed with a knife.⁵¹ One of the worst cases of malicious assault occurred in Galway in 1842. Peter Mallarky explained the offence as "aiding and abetting the two Blakes on board to cut O'Malley's ears off by taking a spade from the stepfather of O'Malley, we were in a potato field". One of the Blakes provided the motive; "we cut his ears off for seducing my sister and getting her with child".⁵² One man murdered his own child because it was nearly dead from smallpox and another committed a similar crime because his wife left him and he could not stand the sight of the child. John Canavan attempted to maim Biddy McSweeney while in a "drunken fit" by cutting her fingers and another man administered poison to his wife on a piece of bread.

Fights between gangs of catholics occurred often at marriages, funerals or fairs and resulted in the transportation of many men. This kind of faction fighting was regarded almost with good humour. Factions were formed among schoolboys and between rival families and villages, being maintained in some cases for generations.

The Irish attitude was best expressed by an old man

51. Con 33/47.

52. Con 33/37.

who said that in earlier days if a man was killed masses were offered up for his soul and all was right, "but now the times are ... altered, and theres nothing but hanging and transporting for such things; although that won't bring the people to life again."⁵³ In 1835 the Bishop of Carlow stated that the peasantry could not resist the chance of a drunken orgy which led to turbulence, violence and disorder.⁵⁴ Many examples of the results of such disorder are recorded in the gaol reports:

"Manslaughter, Michael Moloney was killed at a dance we were all drunk he was struck on the head".

"Murder of Jeremiah Dayneer I struck the man with a stick at a funeral".

"Manslaughter, we were Drunk in a Public House returning from a fair and a Drunken row ensured between a party of 5 on each side".

"Manslaughter in a Riot between two factions" - tried with several others.

"Murphy was killed at a fair".

"he was beat at our door ... it was a faction row".

53. William Carleton, op. cit., p. 70.

54. Alexis de Tocqueville, Journeys to England and Ireland, Ed. J. P. Mayer, London, 1958, p. 131.

"Assault on Michael O'Donnell I struck him with a stick. It was a row at a funeral".

"Assault on Maurice O'Neill I struck him with a stone coming from a fair".

Farm labourers were prominent among those tried for crimes of violence and not many very young men committed such offences. Most appear to have been generally law-abiding citizens. Only fifteen per cent of men tried for assault and twelve per cent of those transported for murder or manslaughter had previous convictions. The courts awarded seven year terms to 182 of the 233 men convicted of assault but fifty-three of the sixty-two murderers had to serve life sentences.

Eleven per cent of men tried in Ireland had been transported for miscellaneous crimes ranging from receiving stolen goods to assault and highway robbery, false pretences, forgery, coining, bigamy, rape, abduction, bestiality, vagrancy, perjury, sacrilege, returning from transportation and military offences. Well over half came from Leinster or Ulster although assault and highway robbery was relatively common in both Munster and Connaught. With the exception of rape and assault and highway robbery all other crimes attracted short sentences. Fifty-six of the seventy-eight men tried for

rape were sentenced to life and 116 of the 176 assault and highway robbers had to serve terms longer than seven years. One hundred and twenty-two men had been tried for receiving stolen goods, ninety-six for military offences, fifty-seven for false pretences, fifty-two for perjury and thirty-one for vagrancy.

Examples of men convicted of these offences include a public notary who had forged "a Power of attorney for the sum of £10,000" by making improper use of a seal entrusted to him and James Gray*, a law student, who received seven years for perjury. He had persuaded his servant to swear falsely to an affidavit respecting a prisoner's health. The prisoner alluded to was his father.⁵⁵ A merchant and brewer had uttered a forged draft for £650 and a clerk had presented two forged cheques for £350 and £245. Some of the reasons given for perjury include:

"I committed the offence for the purpose of getting sent - having heard a good report of the place".

"I swore that a Man had burnt a stack of oats and on the day of trial I refused to swear against him".

"I swore that a man had fired at me and he had not

* See Chapter VI.

... he was along with me about my bit of land".

Two men had returned from transportation before the expiry of their sentences. One had escaped from Hobart and was finally caught in Louth. The other was found in Waterford after having escaped from Sydney in 1836.

Men convicted of highway robbery had stolen clothes from a peddler woman and had knocked a drunk man down in order to take his shoes and hat. One man who received ten years for the offence explained "there was a fight and I had another man's hat". Francis Kings, tried with three others in Londonderry, said they had "won the money at thimble rigging he [the prosecutor] then said he had been robbed".⁵⁶ Other examples of these miscellaneous crimes include the twelve-year-old sentenced for vagrancy who said he had no place to live and the eighteen-year-old tried for the same offence who explained "I was idling about I did not like to work". Men tried for sacrilege had robbed churches of cushions, silver plate or clergymen's gowns. Among reasons given for abduction were:

"her parents opposed my marrying her so I carried her off".

56. Con 33/28.

"she possessed some land - I wanted to marry her".

"I supposed she had a good deal of money".

One bigamist had quarrelled with his first wife twenty-seven years before. A rapist said he was drunk while committing the offence.

The background of some of the convicts can be described from petitions or letters sent to the colonial government respecting them. Rebecca Morrison asked for compassion for her brother John who because of extreme distress and "long want of employment enlisted in her Majesty's 34th foot and having neither capability nor inclination for the army ... absconded and was transported for life".⁵⁷ The parents of John Moran, who arrived aboard the Egyptian in 1840 as a convicted housebreaker, petitioned Dublin Castle for a reduction in his sentence and were successful. The family was poor, the father stating that their situation had improved with "half an acre of Potatoes planted and £2 worth of Manure to sell and ... Brother James [had] a Boat valued £3".⁵⁸ Lawrence Ryan's son aged seventeen had been employed on a survey and was allowed money to hire a car. But he claimed 4/6

57. C.S.O. 16/95.

58. C.S.O. 16/146.

although he had walked and was prosecuted and transported for seven years. His connections were respectable, Lawrence Ryan being married to a cousin of Sir Richard Bourke, governor of New South Wales from 1831 to 1837.⁵⁹

Irishmen convicted in Britain committed similar offences to other male convicts tried in the same courts, therefore differing from men tried in Ireland. But relatively more of the Irish convicts transported from England, Scotland or Wales than of the English offenders had been sentenced at courts martial or tried for crimes of violence, coining, false pretences, forgery or extortion. More were also serving short terms of transportation, as can be seen in Table 21. Only forty-four per cent had been convicted before.

TABLE 21*

Sentences of Irishmen Tried in Britain

7 years	10	14	15	life
52%	15%	10%	6%	17%

Fifty-one per cent had been transported for ordinary larceny, over half coming from London or the cities of Lancashire. In contrast to thieves convicted in Ireland

* Compare with Tables 17, 22 and 23.

relatively few stole food or were sentenced to the minimum term. Nearly a third had to serve life or ten, fourteen or fifteen years. Only five per cent stole food compared with twenty-eight per cent who stole clothes, forty-five per cent who had been tried for picking pockets or shoplifting and twenty-two per cent who had pilfered other articles.

Sympathy must be felt for one thirteen-year-old who was transported for stealing bread in London. He explained "I had no father nor Mother but was employed in stealing for other thieves, and was glad to get imprisoned". But others tried for ordinary larceny were not so innocent. Examples in the gaol reports illustrate the hardened nature of many. Henry Agnew was by "Habit & repute a thief".⁶⁰ Officials described Edward Burke, a bricklayer's apprentice aged sixteen tried in St. Giles in London, as a "most daring ill behaved & slovenly boy he has resisted every attempt to learn him a trade & has been flogged several times". Flogging failed to achieve reformation and he was later executed in the colony.⁶¹ Another man, tried in Liverpool in 1842, had very bad connections and was "a regular flash thief once convicted

60. Con 33/1.

61. Con 31/1, Con 23/1.

3 times in Prison". John McManus, "a regular thief" from Liverpool, was transported for seven years for stealing butter.⁶² Another was described as being of a "vicious desperate & thieving disposition". Such comments were rarely applied to men tried for larceny in Ireland, although most had previous convictions.

One man had stolen a "£1000 banknote" and another had disinterred two dead bodies in order to steal the grave clothes. James McCassy, in prison once before for two months for stealing bread, was transported for "stealing in a till in Preston".⁶³ One thirteen-year-old had managed to compile a record of fifteen convictions. Edward Kowls had taken "part of the Liverpool and Bolton railway" and Thomas Tinan was tried for "stealing 4/6 from Mr. Nelson at Thomas Street Manchester at the Riots".⁶⁴ James O'Neil received seven years for stealing a pound of butter from a shop; although only fourteen he had already been imprisoned twenty-six times.⁶⁵ Most men convicted of ordinary larceny had

62. Con 33/102.

63. Con 33/4.

64. Con 33/38.

65. Con 33/14.

previous convictions but a few had been forced to live by crime. John Murphy stole a desk and confessed that "I was out of employ lately I get my living by stealing."⁶⁶ Two other men had been out of employment, one for three months.

Sixteen per cent were tried for burglary or house-breaking, nearly the same proportion as that for English offenders. As in the case of the men tried for this offence in Ireland they were generally sentenced to long terms of transportation. Only thirty-four per cent had to serve seven years while over a fifth had life sentences. They can also be regarded as hardened offenders although William King, who had previously spent two years in gaol for stealing a watch, said his offence was "Breaking a window and stealing a Watch - took it thro' distress for the purpose of being transported."⁶⁷ But William Sharpe was more typical, receiving life for burglary and being described as "Very bad, belongs to a set of Thieves".⁶⁸ One burglar had spent five months in prison on three convictions for stealing clothes and

66. Con. 31/29.

67. Con. 33/21.

68. Con. 31/40.

twelve months for a previous burglary. Another had been sentenced to two months for stealing money, nine months for picking pockets and three months for vagrancy. Young men also engaged in this crime. A factory boy aged fifteen was caught in Lancashire and had previously been sentenced to three months for running away from home, three months for stealing a loaf of bread and had been flogged twice in the hulk for being noisy. Joseph Downes, a fourteen-year-old cotton piecer transported for burglary, also had several convictions, one for "sleeping in a factory 6 mths".⁶⁹ Some soldiers also committed the offence while on leave or after deserting. John Leake was in the 68th Regiment at the time but was handed over to the civil power. Another soldier who broke into a house was said to be "Incorrigible frequently punished for Gross insubordination & striking the officers is a confirmed thief".⁷⁰

Six per cent, twice as many as English convicts, had been tried for coining, false pretences, forgery or extortion. Two forgers had been caught trying to get away with substantial sums of money. One forged "Two

69. Con 33/14.

70. Con 33/53.

bank of Ireland Drafts on the bank of England for £200 each" while William Naughton, finally apprehended in America, had forged "£3,400 upon the Bank of England".⁷¹ A surgeon had obtained surgical instruments by a forged order and a gardener had embezzled £10 from a man in Liverpool. Two farm labourers were transported for life for coining in 1833. These offences were relatively common among men from Scotland and Lancashire and usually resulted in long sentences. Less than half had been given seven years while over a fifth had to serve life.

Ninety-nine or six per cent of men were transported for highway robbery or assault and robbery. A similar proportion of English convicts committed the same offence. Forty of the Irish highway robbers received life sentences. Some of the men when compared to those convicted in Ireland for the same offence had been involved in major robberies. James Brown, tried in Lancashire in 1842, had stolen £230⁷², and three farm labourers in Scotland had obviously taken part in a planned crime. They stole £2,000, "£1,000 in Gold [and] the rest notes". Another highway robber had escaped from

71. Con 33/108.

72. Con 33/33.

the hulk Fortitude with seven others because of the treatment he received. He made up his mind either to be shot or transported. Others also had criminal backgrounds. One was described as "bad and dangerous" and Bryan McKiernan, transported for life in 1828, had previously been sent to the colony under sentence of seven years. He had returned after this term had expired.⁷³

Military offences resulted in the conviction of five per cent of Irishmen tried in Britain. The major offences included desertion, insubordination, mutiny and assaults on officers. Usually military offenders were hardened men. One was described as "Incorrigibly bad in every respect, dangerous and idle character" and another tried for desertion had been convicted "Once for desertion solitary confinement 200 lashes and branded D. Absent this time 12 months". One man tried for mutiny had received during his army career 1,000 lashes and John Clancy had deserted four times before.⁷⁴ Even James Briggs, sentenced to fourteen years' transportation for only two days' absence, had been punished with 300 lashes for drunkenness.⁷⁵

73. Con 31/27.

74. Con 31/7.

75. Con 31/3.

Drunkenness also featured prominently among the five per cent of men tried for murder, manslaughter, wounding or assault. Typical examples included:

"I had a drop of drink, but had no intention of drowning my child, I was merely bathing her".

"Cutting & maiming seven men in a public House with a Razor, I do not recollect their names. I was drunk at the time".

"Cutting & wounding John Sullivan who came into my Room he struck me whilst drunk. I returned the blow and he fell thro' the window".

"Manslaughter of Pat Keatley - was stabbed with a knife - we were drunk".

One of the more unusual cases was that of John McKeeverigan who struck a black man with his fist and killed him. He explained, "I was drunk at the time -the evening before I was in a show with one of my children, the child cried & 3 black men attacked me. I swore I would strike the first black I saw."⁷⁶ Robert Sandys claimed he was innocent of the charge of poisoning his two children, "but the club to which I belonged", he said, "called a Burial Club, swore I poisoned them to obtain the Burial

76. Con 33/6.

Money, which amounted to about £3.12."⁷⁷ Less than one per cent of Englishmen had been transported for such offences. This suggests that the Irish were an unruly element in England. These crimes carried heavy penalties; twenty-six of the forty-two men tried for murder or manslaughter were transported for life.

Miscellaneous offences such as animal stealing, receiving, bigamy, rape, sacrilege, undefined felonies and capital respites caused the transportation of nine per cent of Irishmen tried in Britain. One of the receivers was described as a "Notorious thief" and a shoemaker convicted in Glasgow for stealing sheep was a "Most violent & outrageous character in language and conduct". But at least James Robinson reformed during the voyage to the colony. He had been tried in Lincoln and transported for life for sacrilege in 1835. A special report by the surgeon explained that scriptural guidance had been given to him and he had turned "to God by the faith of the Gospel - A hopeful character".⁷⁸ Except for the capital respites most of these men had been sentenced to seven years.

77. Con 33/31.

78. Con 31/37.

Political and social offenders accounted for only two per cent or thirty-one of the men. Two men had been convicted of high treason. Denis Collings, tried in Berkshire in 1832, had thrown a stone and struck King William IV. Originally he had been sentenced "to be drawn on a hurdle & hanged then to be beheaded and quartered." The reason he threw the stone was that he petitioned the King to restore his pension but was refused.⁷⁹ A merchant tried for high treason had implements of coining in his possession. Convicted before of obtaining goods by false pretences, he was a barrister from Trinity College who became a merchant in the timber trade. Two Irishmen were also sentenced to life in London for sedition in 1848. Thirteen others had been involved in riots, one being transported for helping to demolish a house. An industrial dispute resulted in three men being tried for mobbing and rioting in Edinburgh. Eight hundred colliers went on strike for higher wages and they assaulted and turned off the works' strike-breakers who had been brought to replace them. In 1844 five men were sentenced to life for the "Manslaughter of Benjamin Gott [in] an Orange row" and

79. Con 31/7.

another had stabbed a boy who accused him of stealing some paper thus losing him his job. Michael Henley, a protestant land-surveyor and schoolmaster, struck a woman on the head with a poker. She had come to collect the rent.⁸⁰

There is another aspect of Irish crime in Britain which must be examined. Many Irishmen lived by crime, escaping detection by travelling about the countryside. "An Irish Travelling thief" with a sullen disposition, Michael Dowlan, was tried in Stafford for stealing silver.⁸¹ Thomas Kelly who had been transported before went about the country pretending to "be Deaf and Dumb."⁸² A thirty-three year old ploughman transported for highway robbery was a "real travelling thief" with connections of the worst description. John Sillford travelled to fairs as a pickpocket.⁸³ A hawker who was a "regular travelling thief" came from a dishonest family and his father was a "notorious thief". Harvesters returning home after their work had finished were also

80. Con 33/95.

81. Con 33/31.

82. Con 33/22.

83. Con 33/32.

often engaged in criminal activity. They were very reluctant to part with any of their hard-earned money and begged their way home or attempted to be passed from parish to parish.⁸⁴ John Baker, a typical example, was sentenced to life in Essex in 1830 for the "Forgery [of] an order on the parish offices for 11/8."⁸⁵

Almost all Irishmen tried in overseas colonies had been sentenced at courts martial. More often than not they received terms longer than seven years, as can be seen in Table 22.

TABLE 22

Sentences of Irishmen Tried in Overseas Colonies

7 years	10	14	15	life
35%	5%	34%	1%	25%

Discipline was harsh in the British army and half of the men had previous convictions. The Irish exile John Mitchel learnt at Bermuda that soldiers often intentionally exchanged military service for convict service, much preferring a felon's life to the hard duty and debased position of a soldier.⁸⁶ John Kelly, tried in 1842 at

84. William Carleton, op. cit., p. 426.

85. Con 31/3.

86. John Mitchel, Jail Journal, Dublin, 1940, p. 168.

Cape Town for mutiny on the high seas, typifies the lengths to which some would go to escape. He joined other soldiers and a few prisoners in order to take a convict transport, explaining that he would be freeing himself from misery and that he had received no pay and was badly treated.⁸⁷ Soldiers were liable to be flogged "like a slave or a beast of burden".⁸⁸ One man received 375 lashes for being absent without leave, and another had the record "once for being absent 300 lashes, for stealing a watch 500 lashes, again for absence 200 lashes". Patrick Fallon had been imprisoned six months for striking an officer and given 300 lashes for two similar offences.⁸⁹ Another soldier had been put in the black hole and sentenced to 150 and 300 lashes for unsoldier-like conduct, and John Walker, tried in India in 1852, had been before nine courts martial, receiving in all 1,600 lashes.⁹⁰ With this kind of discipline it is not surprising that some men became hardened. One soldier was described as "a very dangerous character inciting the

87. Con 37/1.

88. John Mitchel, op. cit., p. 169.

89. Con 33/106.

90. Con 37/7.

other prisoners to acts of mutiny & violence" and another was a "Hardened, dangerous character".

Deserters accounted for thirty-six per cent of these men, most being sentenced to either fourteen years or life. John Blake had been away for two years but Patrick Paddon said "I was only away 3 hours it never was my intention to desert it was a drunken spree while the cholera raged".⁹¹ One man was on sentry duty when he ran away. Hugh O'Donnell was insane. He gave himself up after two years' absence and 4,000 miles travelling in Canada because the "voices pursued me more than ever ... It often says my name something haunts my very heart out of me ... it looks like 3 women".⁹² Men tried for desertion often had previous convictions for the same offence. Common sentences included imprisonment with hard labour and flogging. One soldier had been given six months for absence, another twelve months and a deserter was whipped 100 times. Thomas Kennedy obviously disliked the army. His gaol report reads "Desertion ... & making away with my clothing ... Absent 6 Months Tried

91. Con 31/4, Con 31/35.

92. Con 33/23.

by [Courts martial] 11 times [for] Desertion Branded D and lost all claims to pay and pension on discharge - 8 times flogged for drunkenness [has] received in all 1,400 lashes".⁹³

A quarter had assaulted officers, often when intoxicated. Typical examples included:

"Striking a Corporal I was drunk".

"Drunkenness Striking Superior".

"Striking Superior officer whilst drunk".

But James Holland was sober when he committed his offence.

He explained that he had "asked permission to see the fort ..., [Lt. Wallace] refused & pushed me out of the room then knocked me down. I was sober he was drunk.

I expected to get discharged from the Regiment when I struck Lieutenant Wallace."⁹⁴ A fifth of the men were transported for insubordination or mutiny and three per cent for such offences as drunkenness, leaving post, asleep on duty or taking liquor into the guard room.

James Savage threw a bayonet at a Corporal and another man sentenced to fourteen years for mutinous conduct had shot at a picket while drunk.⁹⁵ Richard Shea was given

93. Con 37/2.

94. Con 37/1.

95. Con 33/40.

life for insubordination in New Zealand after "striking an officer ... with my firelock when on parade". He had six years service in the 99th regiment.⁹⁶ These men were generally sentenced to long terms of transportation. Ten of the twenty-five mutineers had to serve life while forty-one of the seventy-three men convicted of insubordination received longer sentences than seven years.

The rest of the men tried in overseas colonies were transported for ordinary larceny, highway robbery, animal stealing, burglary, forgery, bestiality or crimes of violence. Most had seven year terms except for the murderers, twelve out of sixteen having life sentences. Richard Fitzsimmons embezzled "Grain and Forage valued at ... £5,000 while in command of the 2nd Division of Scinde Camel Baggage Corps".⁹⁷ Two burglars committed their offences while on leave and were handed over to the civil power and one man stole the "Regimental necessaries" and was sentenced to a seven year term. James Kiernan, one of the few non-military offenders, had been given a fourteen year sentence for cutting and wounding. He was an attorney and an assistant to the Superintendent of Police at Bengal on a salary of £150

96. Con 37/3.

97. Con 37/7.

per annum.⁹⁸ Three soldiers murdered an Indian named Pooney. One of them explained the circumstances: "we broke out of the Barracks the night previously & the Blackman came in the morning to apprehend us, we were all drunk and Gaynor to frighten the man discharged his piece on the Ground the Ball glanced off & shot the Black Pooney we intended to have deserted."⁹⁹ Drunkenness was also a contributing factor in the death of George Johnston's wife. He killed her by striking her with his hand; "we were both drunk", he said.¹⁰⁰ A man convicted of the manslaughter of his wife claimed she had committed suicide. Another soldier stabbed his sergeant because he gave him twenty-four hours knapsack drill for having a pack of cards. One of the more unusual cases of manslaughter occurred in India in 1850. James Scully was tried for "Killing my wife's sister, I was beating my wife with a riding whip, & struck the child who was in her Arms, she was about 4 years old I expect to be pardoned."¹⁰¹

98. Con 37/1.

99. *ibid.*

100. Con 33/6.

101. Con 37/7.

Sixty-nine per cent of Irishmen tried in other Australian colonies had either been convicted before or re-transported and as was to be expected they were sentenced to long periods of transportation. Their sentences can be seen in Table 23.

TABLE 23

Sentences of Irishmen tried in Other Australian colonies				
7 years	10	14	15	life
33%	17%	4%	15%	31%

Their offences ranged from animal stealing eighteen per cent, larceny fifteen per cent, armed robbery and bush-ranging fifteen per cent, burglary thirteen per cent, military offences ten per cent and forgery or false pretences nine per cent. Crimes of violence accounted for nine per cent and other miscellaneous offences eleven per cent. Patrick Wallace, originally transported from Dublin to Sydney for stealing a coat, became a flagellator in that colony. He was transported to Van Diemen's Land for receiving.¹⁰² A bushranger had been out for eight days and another had been under arms. John Abbott was one of the few free immigrants transported from

102. Con 31/47.

other Australian colonies to Van Diemen's Land. He emigrated from Dublin to Sydney in 1823 and lived there until 1832. But then he went to Melbourne and was out of work for six months, being finally transported for life for robbery with intent.¹⁰³ One convict killed another during a "general row" and an assigned servant burnt his master's barn down. A few of these men had been free by servitude and had done reasonably well for themselves. One man had fifty acres at Hunter's River, another had twenty acres, and a cattle thief had 200 head of cattle. The military offenders were similar to soldiers transported from overseas territories. One tried for being asleep at his post had been before several courts martial and another who struck a corporal had previously received 100 lashes for desertion.

This analysis of the offences, previous convictions and sentences of Irishmen tried in the various parts of the British empire not only reveals that they differed in some respects from other convicts but that many can be regarded as hardened offenders or professional criminals. In Britain the Irish appear to have been associated with

103. Con 37/2.

the problem of crime, being over-represented in some forms of criminal activity.¹⁰⁴ Relatively more than English offenders had been transported for military offences, crimes of violence, coining, false pretences, forgery or extortion. They also had higher proportions of men with previous convictions and of those tried for ordinary larceny than the male prisoners from Ireland. Only a few can be considered political or social rebels. In contrast to men tried in Ireland they were sentenced to long terms of transportation. Irishmen transported from other Australian or overseas colonies also formed distinct groups. The Australian Irish had a large majority of previous offenders and of men serving long sentences. Ordinary larceny caused the conviction of relatively few while armed robbery or bushranging was a unique offence. Many had become confirmed criminals being re-transported and placed among the worst convicts in the penal settlement on Norfolk Island. Offenders from British overseas territories also had large numbers who had to serve more than the minimum term of transportation. Half had previous convictions, many becoming

104. J. A. Jackson, The Irish in Britain, London, 1963, pp. 57-58.

inured to punishment because of the harsh disciplinary measures meted out by the British army. They can be distinguished because they were mainly military prisoners some of whom committed their offences because of the bad treatment they had received.

Men tried in Ireland committed different kinds of offences and can be considered less criminally inclined than other felons. The Irish authorities attempted to select such men as exiles and the famine forced normally honest people into crime. This is borne out by the relatively large number of first offenders and of those sentenced to seven years found among male convicts from Ireland. Most men transported for political or social offences, for animal and food stealing and for crimes of violence had never been before convicted. But this does not mean that they can all be regarded as village Hampdens. The social and political offenders were certainly protesting against British domination and an unjust land law but burglars, receivers of stolen goods, highway robbers, forgers and coiners, although probably poor, directed their attention towards gain from their fellow men rather than to any protest or attempt to change the system. Prisoners from the cities and Ulster can be considered persistent criminals because of their

former convictions, as can most of the men tried for ordinary larceny, burglary and some of the miscellaneous crimes. Crimes of violence occurring during quarrels and faction fighting were often prompted by a desire for revenge, a desire strengthened by a combination of half-forgotten grievances, drunkenness and the blood-letting of the moment. Many malicious assaults, murders and manslaughters, often on men of their own class and religion, had nothing to do with land grievances or economic necessity, although most of the men transported for such offences were normally law-abiding citizens.

All that can be said is that many more of the men tried in Ireland than of those transported from Britain or her colonies can be viewed as village Hampdens or as basically honest men.

CHAPTER III

FEMALE OFFENCES

Female prisoners from Ireland like their male counterparts have escaped most of the criticism levelled at other convicts. Although John West had the impression that most women were beyond recovery he described the Irish as often "Young creatures", not a few of whom could scarcely be considered depraved. He added, when commenting on those transported to Van Diemen's Land after 1840, that their "penalty has been inflicted for the lighter crimes, and in many instances the Irish courts must have been influenced rather by a vague notion of humanity than of punishing offenders."¹ Robson suggests that generally female convicts were an indifferent batch of settlers because of the numbers tried in urban areas, the accounts of their trials and the types of objects stolen.² But he had already explained that if

1. J. West, The History of Tasmania, Ed. A. G. L. Shaw, Sydney, 1971, pp. 508-509.

2. L. Robson, The Convict Settlers of Australia, Melbourne, 1965, p. 85.

there were any female village Hampdens then they came from the Irish countryside not from England.³ Shaw implies that the rural background of most Irish women was an important factor in their better behaviour. The majority, he asserts, "were illiterate country-dwellers whose conduct in the colony was far better than that of the average convict."⁴

As can be seen in Tables 24 and 25 women convicted in Ireland had relatively more serving short sentences and more first offenders than English or Scottish-tried females.⁵

TABLE 24

Female Former Offenders

Ireland	England	Scotland
64%	70%	93%

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3. L. Robson, "The Origin of the Women Convicts sent to Australia 1787-1852", Historical Studies of Australia and New Zealand, Vol. 11, 1963-1965, p. 53.
4. A. G. L. Shaw, Convicts and the Colonies, London, 1966, p. 183.
5. L. Robson, Convict Settlers ..., Tables 7(b), 7(c), p. 200.

TABLE 25

Where tried	Sentences of Women %				
	7 years	10	14	15	life
Ireland	83	10	1	3	3
England	66	10	11	2	11
Scotland	75	5	16	-	4

But it appears Irish courts were most reluctant to transport women for their first offence unless it was a serious one. Women in Ireland certainly suffered as much as the men from poverty and starvation and a few saw transportation as a means of escape. At least forty-two committed their offences in order to be transported. But in contrast to the men nearly twice as many had been in trouble before. More first offenders were transported during and after the famine. Yet even sixty per cent of famine-tried females had previous convictions. At the same time there was an increase in the incidence of serious crime. Although the cities provided large numbers of women with previous convictions over half of those from the rural provinces of Munster and Connaught had also been before the courts on more than one occasion. Serious crime was more prevalent in rural areas, and in a few counties, such as Limerick, first offenders constituted the majority. But from no area

in Ireland did the proportion of females with other convictions fall as low as that found for men tried in Connaught or Munster. An analysis of their offences reveals that although many had been transported for 'lighter crimes' most can be considered regular offenders, if not hardened criminals.

Ordinary larceny, a relatively minor offence, caused the transportation of three-fifths of the Irish compared to over four-fifths of British offenders.⁶ Only 126 or six per cent had been sentenced to terms longer than seven years. Dublin City and the urban areas of Munster tried nearly a fifth of those transported for ordinary larceny. Although most women from Connaught and Munster committed the offence relatively few country servants were convicted of this crime. Women transported for ordinary larceny were mostly young and single, and included among their number many prostitutes. Fifteen per cent had been on the town, more than in any other group except for the vagrants, seventy-six per cent gave ages below thirty, and eighty-two per cent claimed to be single or widows. Most were former offenders. Seventy-three per cent of women tried for this 'lighter' offence had been

6. *ibid.*, Table 8(d), p. 206.

convicted before, many more than was found among females transported for other crimes.

Over half stole wearing apparel, mainly shawls, cloaks, boots, shirts, frocks and trousers. By comparison only fifteen per cent of English women committed the same offence.⁷ Most had substantial criminal records. Eliza Byrne, a typical example, had four other convictions and had been a prostitute for eighteen months before being transported from Dublin City for stealing a coat.⁸ Mary Murphy, described as "passionate and unruly" was only nineteen when sentenced to seven years for stealing clothes. She had been tried six times before and had spent ten months in gaol.⁹ Another woman tried for stealing a gown had received sentences of six months for taking shoes and six months for stealing potatoes. Peggy Armstrong had been found drunk twenty times and Mary Allen, only seventeen when transported for stealing a frock, had been imprisoned twelve months for cushions, two months for a cabbage and two months for clothes.¹⁰

7. *ibid.*

8. Con 40/2.

9. Con 41/2.

10. Con 41/22, Con 41/35.

Prostitutes lured men into situations where they could be easily robbed. Ellen Tobin, who had five years experience on the town in Cork City, explained her offence as "stripping a Man he was in the House and I took all his Clothes". Mary Clarke, a prostitute for eight years, was tried in Dublin City for stealing trousers. Both received sentences of seven years.¹¹

Pickpockets and shoplifters, who accounted for thirty-two per cent of women tried for ordinary larceny, also had bad reports. Eliza Wilkinson, transported for stealing £6 from the person, had two former offences for stealing money. She had also appeared thirty-six times before the courts for drunkenness.¹² One woman stole £23 in Fermanagh and had seven convictions, six for being disorderly. She had been a prostitute for seven or eight years. Rose Rogers had lived six years by thieving.¹³ Mary Hanley compiled a total of ten convictions during her six years as a prostitute before being transported from Cork for stealing money.¹⁴ Another

11. Con 40/10, Con 41/30.

12. Con 40/10, Con 41/35.

13. Con 41/26.

14. Con 40/6.

woman was imprisoned between forty and fifty times for drunkenness or assault. Again the five per cent of women tried for pilfering other articles were usually regular offenders. Catherine Clarke was typical. Transported for stealing tobacco and with two other convictions, she admitted to having lived twelve months by thieving.¹⁵

Irish women were rarely transported for stealing food. Only 133 or eight per cent committed this crime. Most would have stolen because of hunger, despite the fact that many had previous convictions. Mary Keily had obviously been forced into crime through distress. Married with four children and a first offender, she was sentenced to seven years' transportation for stealing flour from a mill.¹⁶ Another woman with no previous convictions received the same sentence for taking a loaf of bread at the height of the famine in 1849. Those in trouble before often had been convicted for similar transgressions. A country servant from Carlow, Mary Byrne, had been sentenced to twelve months imprisonment for stealing potatoes before being transported for the same offence in 1845.¹⁷ In 1849, one woman was finally

15. Con 41/26.

16. Con 41/12.

17. Con 41/8.

transported for the larceny of potatoes after five other convictions for stealing food. Caroline Mohony, a country servant tried in Tipperary in 1848 and sentenced to seven years for stealing oatmeal, had spent two months in gaol for stealing corn.¹⁸

Some of the other women convicted of ordinary larceny can also be considered unfortunate to be transported. Like the food thieves their crimes mostly resulted from destitution. Mary Burke had two previous convictions but was reduced to "st[ea]ling three sheets from the Union Workhouse".¹⁹ A twenty-one-year old country servant from Kerry had also been convicted before but she had "lived 6 mths by begging". Mary Conolly was another who resorted to crime when placed in difficult circumstances. Although she had never been in trouble before she was transported for seven years after stealing some clothes. Her husband had died six months previously in Galway gaol.²⁰ It must be remembered that these women formed only a small minority. Others purposely became criminals in order to be transported. Reasons given

18. Con 41/22.

19. Con 41/14.

20. Con 41/22.

include:

"I committed the offence purposely to be transported to my Husband".

"I committed the offence to get transported with my mother".

Catherine Maguire, a prostitute of twelve months standing, had stolen a handkerchief. Although she had no other convictions she simply "requested to be transported".²¹

Animal stealing was far more common among Irish women than among British females. Sixteen per cent of the Irish compared to only one per cent of British women stole animals.²² As with the men the main animals stolen were sheep and cows. One hundred and eighty-three cattle and 156 sheep thieves arrived among Irish women sent to Van Diemen's Land. Many more of the women than men stole poultry. One hundred and thirty-three women were transported for stealing fowls, geese or ducks. A few others stole pigs, goats or horses. Higher proportions of animal thieves were tried during and after the famine, as can be seen in Table 26. Judging by the sentences imposed by the courts animal stealing was regarded as a

21. Con. 40/8.

22. L. Robson, op. cit., Table 8(d), p. 206.

more serious offence than ordinary larceny. Despite the fact that relatively more animal thieves were first offenders they generally received longer terms of transportation. Some concession to the difficulties experienced by the Irish people in famine years is apparent. As shown in Table 27 most of those transported during the famine were sentenced to the minimum term.

TABLE 26

Proportion of Female Animal Thieves

1840-1845	1846-1849	1850-1853
6%	17%	24%

TABLE 27

Sentences of Female Animal Thieves %

Sentences	1840-1845	1846-1849	1850-1853	Total period
7 years	63	81	62	69
10	36	17	30	26
14	1	-	1	-
15	-	2	7	5
life	-	-	-	-

This crime had an even more rural basis among women than among the men. Forty-two per cent of animal thieves were country servants and nearly two-thirds had been tried in Munster and Connaught. Leinster provided twenty-eight per cent but hardly any arrived from Dublin City. Only forty-four had been sentenced in Ulster.

Relatively few women who stole animals had been prostitutes. This was to be expected as prostitution was mainly urban-based. But like females transported for ordinary larceny the animal thieves were overwhelmingly single and under thirty years of age.

Because of the numbers tried during or immediately after the famine and the rural nature of the offence, it can be suggested that unusual circumstances drove most of these women into crime and that many were basically honest. The disruption of the Irish economy and the starvation resulting from the famine left some with no choice except to steal animals for food. Bridget Cudding and her three daughters all received seven year sentences for stealing sheep in 1847. They explained that they did it because of want. As they were all first offenders their excuse is very plausible.²³ Often animal thieves were young with no previous convictions. Bridget McCabe was only sixteen when transported for stealing a cow in 1848 and Mary Fitzgerald, a seventeen-year-old country servant, received seven years for sheep stealing in 1849.²⁴ Judith Beaky, tried during the same

23. Con 41/16.

24. Con 41/20, Con 41/24.

year at the age of thirteen, was sentenced to ten years for killing a sheep although she had no other convictions.²⁵ A few of the older women also stole because of distress. Bridget Farrell's crime of sheep stealing was probably motivated by the need to feed her family; she had four children, no previous convictions and committed the offence during famine years.²⁶ It is likely that Mary Higgins also stole because of her family's needs. She was a married country servant tried in Cork for sheep stealing in 1848.²⁷ Other first offenders included Cecilia Carr, aged twenty-five, a country servant who stole a cow, Honor Mooney, another country servant aged twenty-four who was tried in Galway for sheep stealing and Ellen Fitzgerald, a twenty-two year old nurse transported for cow stealing.²⁸ In these cases Irish courts could have been motivated by humanitarian considerations rather than by hopes of punishing offenders. But it is more likely that they regarded the crime as so serious and widespread that transportation

25. Con 41/24.

26. Con 41/20.

27. Con 41/22.

28. Con 41/20, Con 41/22.

would be the only effective deterrent.

Some of the women tried for animal stealing committed the offence to be transported. Bridget Connors, tried in Kilkenny in 1847, was sentenced to seven years for killing four sheep. She had no previous convictions and claimed she pleaded guilty for the purpose of being transported.²⁹ Ann Mannion who received ten years for cow stealing in 1849 was lonely. She had one previous conviction for the same offence but explained that her four children were in Van Diemen's Land and she wished to be with them.³⁰ One unusual case was that of Margaret Enright who was transported with her husband from Limerick in 1847 for stealing a heifer. She claimed that her husband was innocent.³¹ Ellen Herlihy, tried in 1848 and sentenced to seven years, stole more animals than was usual. She was sent from Kerry for "stealing 12 cows from her Uncle".³²

But most of the female animal thieves cannot be regarded as offenders forced into their first crime through destitution. Whereas the majority of men who stole animals had no other convictions, fifty-three per cent of the women had been convicted before. Some had to

29. Con 41/16.

31. Con 41/16.

30. Con 41/24.

32. Con 41/20.

live by crime especially during the famine. Mary Early had two convictions, the first for stealing oatmeal and the second for picking pockets of 2/6, before her transportation on a charge of sheep stealing in 1848.³³ Another woman most probably driven to crime because of starvation was transported for ten years for killing sheep. She had been imprisoned one month for potatoes and two weeks for turnips. Mary Connell, tried in Cork in 1849 for stealing lambs, had been sentenced to two months in gaol for turnips and three months for a cabbage.³⁴ Others had many convictions and must have become hardened offenders. Margaret Foley who stole a turkey had become a prostitute for three years and had three previous convictions. One woman from Galway Town was transported for cow stealing after having spent fifteen months in prison on two charges of sheep stealing. Mary Kennedy, a country servant from Kerry sentenced to ten years for sheep stealing, had seven convictions and Winny Longhane, transported with her sister in 1848 for killing sheep, had been convicted five times for the

33. Con 41/16.

34. Con 41/26.

35. Con 41/14.

same offence.³⁶ Ellen Kelly, tried in Cork City in 1847, was finally transported for stealing ducks after six former offences. Other hardened offenders included Ann Nelson who stole a fowl in 1848 and had twenty-five convictions, and a prostitute Catherine Ferguson who took a cow and had thirteen convictions.³⁷

Arson, another crime almost wholly Irish in origin, caused the transportation of 242 or seven per cent of the women sent from Ireland to Van Diemen's Land. Arsonists accounted for only one per cent of British women transported to the Australian colonies.³⁸ This crime was even rare among Irish male convicts. Only forty-eight men had been tried for the offence. Female arsonists mainly committed this offence at the time when their lives were disrupted by the famine and its aftermath. Only one per cent of women tried before 1846 had been transported for arson, compared to five per cent of those tried during the famine and to fourteen per cent of females convicted after 1850. Arson attracted harsh

36. Con 41/35, Con 41/20.

37. Con 41/20, Con 41/16.

38. L. Robson, op. cit., Table 8(d), p. 206.

penalties and was regarded as a serious crime. As can be seen in Table 28 the majority had to serve sentences longer than seven years. Again, as in the case of animal thieves, the courts were more lenient with those tried for arson during the famine.

TABLE 28

Sentences of Female Arsonists %				
Sentences	1840-1845	1846-1849	1850-1853	Total period
7 years	8	54	39	40
10	8	-	19	14
14	-	2	-	1
15	50	28	28	30
life	34	16	14	15

Arson was predominantly a rural crime. Forty-six per cent gave their occupations as country servants and nearly three-fifths came from Munster. A significant proportion, thirty-six per cent, had been tried in Leinster. It was in the rural areas of this province that the offence was committed. Not one female arsonist was tried in Dublin City. Hardly any arrived from Connaught or Ulster; in Connaught animal stealing was much more prevalent. Arsonists can be distinguished from other women tried in Ireland. They were the youngest group and had the second highest proportion of unmarried females. Eighteen per cent were under the age of twenty

and eighty-eight per cent gave ages below thirty. Ninety-two per cent were single or widows.

Historians have generally agreed that female Irish arsonists must be considered as social offenders, having played a part in rural agitation. Shaw certainly regarded them as such.³⁹ Robson believed from reports of parliamentary committees that the offence was "closely connected with evictions and the placing of new tenants on holdings of ground".⁴⁰ H. S. Payne studied female convicts transported to Van Diemen's Land after 1843 and arrived at similar conclusions. Payne found few arsonists had previous convictions and that most showed no criminal tendencies in the colony. "It would therefore appear", says Payne, "that these arson offenders were not pyromaniacal torch-bearing criminals but people with a real grievance and therefore deemed by the law to be firebrands in themselves".⁴¹

39. A. G. L. Shaw, op. cit., p. 183.

40. L. Robson, "The Origin of the Women Convicts ...", p. 51.

41. H. S. Payne, "A Statistical Study of Female Convicts in Tasmania, 1843-1853", Tasmanian Historical Research Association, June 1961, Vol. 9, No. 2, p. 58.

These assessments ignore or under-estimate the number of arsonists with previous convictions. While men transported for social or political offences were almost invariably first offenders forty-seven per cent of these women had been convicted before. The reluctance of Irish courts to transport women for their first offence could partly account for the large number with other convictions. The famine left little alternative for many to live except by crime. Not all arsonists convicted before can be considered hardened criminals. Mary Neill, transported in 1849 for burning a hayrick, had previously spent a month in prison for stealing turnips.⁴² Another woman had received fourteen days for taking potatoes and Susan Chickley, a sixteen-year-old country servant tried in Cork in 1849 and sentenced to life, had been imprisoned one month for stealing a carrot.⁴³ Others convicted during famine years had been sentenced up to six months for animal stealing.

Many arsonists had several convictions. Martha Dunlop, transported for setting fire to oats and sentenced to fifteen years, had been convicted before three times,

42. Con 41/28.

43. Con 41/24.

including once for arson and another for stealing clothes in a workhouse.⁴⁴ Johanna Walsh, tried in Cork in 1848, also had three convictions and had lived six months by thieving.⁴⁵ Others included Mary Browne, a country servant tried in Kildare with three former convictions, Maria Collister a housemaid from Wexford with four, Ellen Wiseman who had two, Ann Grady tried in Clare with four and Ann Blake a Wexford country servant who had three.⁴⁶ Although all these women had been tried during famine years it would be more realistic to regard them as regular and hardened offenders rather than as women with social or political grievances.

But what sort of motives led to such crime in Ireland? Arsonists could gain little materially from their offence and women with previous convictions could still commit arson as a form of protest or as a means of escape. Evidence suggests that the latter motive was prominent. One historian commented that the lack of involvement of the women was a remarkable element in the Irish agrarian and political disturbances of the nineteenth

44. Con 41/33.

45. Con 41/22.

46. Con 41/26, Con 41/30.

century.⁴⁷ This observation is supported by the number tried for arson who committed the offence in order to be transported. At least twenty-nine arsonists claimed this as their primary motive. They desired either to escape the consequences of the famine or to join relatives in the colony. It is likely that others who made no statement also had the same motive particularly as many had no idea who prosecuted them. Courting transportation was not unusual in Ireland especially during the famine.* Michael Shaughnessy, the assistant barrister of Mayo, was asked by many for sentences of transportation⁴⁸, and the Irish authorities expressed the view that starvation had greatly diminished the terror felt by the Irish at the prospect of being severed from their home.⁴⁹ If a woman burnt a hayrick or house she was almost sure of being transported.

Typical examples from the prisoners' confessions include:

* See pp. 77, 92, 119, 125 and 129.

47. W. G. Broehl, The Molly Maguires, Massachusetts, 1965, p. 25.

48. Cecil Woodham Smith, The Great Hunger, Britain, 1962, p. 374.

49. GO 1/75 T. Redington to H. Waddington, 27 June 1849.

"I was tried with three others we committed the offence for the purpose of being transported".

"burning a house ... at Carlow did it to be transported".

"Burning a hayrick & boat [at] Wexford Committed the offence to be transported".

"Burning Wheat for the purpose of being transported".

"House burning tried with 4 others on board committed the offence to be transported".

"Setting fire to a house, Anne Molony on board for same I was drunk at the time I did it to get transported".

Most of these comments came from women with previous convictions and all had been tried during famine years. Those who used arson as a means of joining friends or relatives in the colony included Mary Nolan, a sixty-year-old country servant with no other convictions who wished to follow her daughter.⁵⁰ Ellen Murphy, aged seventeen, had been in gaol for a month for stealing potatoes and wanted to be with her mother who was aboard the same ship.⁵¹ Margaret Behan, tried in Kildare in 1849,

50. Con 41/28.

51. Con 41/20.

explained that she committed the offence to follow John Travey who had been transported twelve months previously.⁵²

Most of the arson committed by women was directed against no one in particular. Rosanna Berry typifies this kind of woman. She burnt down a schoolhouse but didn't even know who prosecuted her.⁵³ Nory Bourke, a nurse aged twenty, had four other convictions and was tried with five others in Tipperary for arson.⁵⁴ No reason was given for the crime. Another woman tried at the age of nineteen simply stated that she was convicted of "Burning a house ... transported with Mary Wilson, Rose Murray, & Julia Wilson". Mary Valance received a life sentence for "burning a stack of oats" and did not know who prosecuted her.⁵⁵ A twenty-year-old, Jane Armstrong, also did not know her prosecutor although she had burnt his house.⁵⁶ Margaret Butter, tried with four others in Tipperary in 1849, received fifteen years for house-burning. The five of them did not know their prosecutor.⁵⁷ Several other cases can be cited. These women, because they did not know the victims of their

52. Con 41/26.

55. Con 41/28.

53. Con 41/35.

56. *ibid.*

54. *ibid.*

57. Con 41/26.

crimes, cannot be considered social offenders protesting against the law or trying to protect their land. It is more likely they committed the offence on purpose in order to be transported rather than to seek vengeance because of eviction.

Some arson was the result of grievance in no way connected with agrarian agitation. Margaret Purcell explained her offence as "Burning a House the property of the Father of my Child. I did it because he refused to support my child."⁵⁸ Nabby Lawlor was another to commit arson because of an unfortunate ending to a romantic affair. She was transported in 1849 for "Burning straw belonging to the father of my Child who refused to support the infant".⁵⁹ Mary Farrell received fifteen years for burning her father's house because he would not let her in.⁶⁰ Another woman said her prosecutor wanted to get rid of her so he accused her of setting fire to his cabin. One girl was actually employed to commit the crime. Anne Ryan, a nineteen-year -old nursemaid, explained that she was tried for

58. Con 41/16.

59. Con 41/24.

60. Con 41/22.

"Setting fire to a stack of corn the property of her master. My mistress gave me £3 and a suit of clothes to commit the offence."⁶¹

Unfortunately the motives of many of the arsonists are not known. If they were agrarian rebels this is unusual because in the case of male social offenders motives and details of the crime are often given. No female arsonist transported from Ireland to Van Diemen's Land stated that the offence was the result of land or rent disputes. There is also no comment implying that arson was part of faction fighting. A few of the women did have previous convictions of a type which suggests that they took part in at least some rural agitation. Two women had served time in prison for trespass and Mary Dunne had been convicted before for rioting.⁶² Margaret Lehanes had been discharged twice for threatening to burn before being transported for setting fire to a house.⁶³ Some had been involved in other forms of wilful destruction. Bridget Haines had been imprisoned for two months for breaking glass, and Ellen McNamara received a month for breaking a window.⁶⁴

61. Con 41/26.

63. *ibid.*

62. Con 41/30.

64. Con 41/24, Con 41/30.

Ten per cent of women transported from Ireland were either tried for burglary or for receiving stolen goods, nearly the same proportion as English-tried females convicted of the same offences. Although the courts of Munster tried over a quarter of the burglars and nearly two-fifths of the receivers, over three-fifths of the burglars and nearly three-fifths of the receivers came from Leinster or Ulster. Most of those tried for receiving were sentenced to the minimum term but forty-seven per cent of burglars were serving between ten and fifteen years. Seventeen per cent gave ages below twenty. Like those transported for ordinary larceny the majority had other convictions. Sixty-one per cent of the receivers of stolen goods and fifty-six per cent of women convicted of burglary had previously been before the courts.

In some cases receiving should have been treated as ordinary larceny. Jane Connors, although tried for receiving, explained that she was transported for "stealing fowls and potatoes".⁶⁵ Another woman said her offence was that of stealing "£14 or £15", not receiving. But Anne Kerr, tried in 1847 for receiving money, stated it was "stolen by my daughter".⁶⁶ Many of

65. Con 41/20.

66. Con 41/16.

the receivers had several convictions. Mary Brennan had four including three for robbery of clothes and one for stealing whiskey.⁶⁷ Catherine Dunne, tried in Cavan in 1845 for what she described as "shoplifting Shawls [and] Silks", had been imprisoned for six months on a similar charge. She also had two other convictions.⁶⁸ One woman had been gaoled for eighteen months on two offences connected with animal stealing. Among the burglars was Sarah O'Brien, a nineteen-year-old housemaid sentenced to ten years for stealing from a house. She had been tried with her husband, a soldier who was also transported, for "Stealing £40 from a dwelling House."⁶⁹ Another burglar with convictions for stealing turnips and meal had opened a door and taken a blanket and sheet. Mary Moran, tried in Dublin City in 1848 and transported for seven years for burglary, had been two years on the town and had ten convictions, one for stealing clothes and nine for disorderly conduct.⁷⁰

One hundred and twenty-three vagrants, accounting for three per cent of the women, arrived in Van Diemen's Land from Ireland. By comparison less than one per cent of

67. Con 41/35.

69. Con 41/5.

68. Con 41/5.

70. Con 41/20.

English females had been transported for the same offence. Ulster was by far the main area of trial and forty-six per cent of vagrants came from this province. Most of the others had been tried in Munster or Leinster, half of the Munster vagrants coming from the cities of Cork, Limerick or Waterford. Only one received a longer sentence than seven years. The majority were tried during or after the famine. Not many very young girls committed the offence as only six per cent were nineteen or younger. Hardly any country servants were vagrants. Three-fifths gave their occupations as housemaids while only thirteen per cent claimed to be country servants.

Female vagrants can be divided into two groups. The majority were an indifferent batch of women, either prostitutes or having atrocious records. It appears the charge of vagrancy was used to rid the streets of prostitutes. Their life-style before their transportation would not have influenced the courts in their favour. Thirty-six per cent of vagrants had been on the town and sixty-one per cent had previous convictions. Many of the prostitutes had long criminal records. Ellen McAnally had eight other convictions for vagrancy and had been on the town for twelve months; Mary Began, a prostitute for four years in Waterford City, had seven

convictions.⁷¹ Eliza Fitzimons tried in Down in 1848 had been before the courts twenty-five times for drunkenness.⁷² Margaret Connell, tried in Cork City, had nine convictions and Bridget Ford had served time in prison for eleven previous offences of vagrancy.⁷³ Some of the prostitutes transported for vagrancy were first offenders. Sarah Carrigan, tried in 1845 and sentenced to seven years, had been on the town for two years without coming into conflict with the law.⁷⁴ Mary Irwin said that vagrancy was her first offence but she had been a prostitute for six months.⁷⁵ Ellen Burlow had been on the town in Cork City for four years without a conviction before being tried in 1845.⁷⁶

The other group of vagrants, about a fifth of those transported for the offence, had been forced into that situation by circumstances beyond their control. Most had been tried during or after the famine and they were not prostitutes or previous offenders. Elizabeth Norlon was only twenty-two when tried for the offence in

71. Con 40/2, Con 41/12.

74. Con 41/2.

72. Con 41/20.

75. Con 41/12.

73. Con 41/35.

76. *ibid.*

1846 and Eliza Eager, a first offender from Fermanagh, was still transported for vagrancy at the age of thirty-three.⁷⁷ Mary McGarnaham was another tried for vagrancy although she had no former offences.⁷⁸ These women cannot be described as abandoned or hardened offenders.

Relatively more women transported for crimes of violence arrived from Ireland than from England. Forty-four had been tried for infanticide, murder, manslaughter, or poisoning and nine for assault. Except for those convicted of assault most had to serve life sentences. Seventeen had killed their own children. Comments given included:

"Murdering a child 2 m[onths] old by strangling it it was an illegitimate child & I did not wish my husband to know it".

"Killing a child it was my own".

"Killing her child by a bandage a little girl 1 month old".

Some claimed their innocence. Ann Forbes, tried for smothering a one-week-old child in a handkerchief denied the offence.⁷⁹ Details of other cases included:

77. Con 41/12, Con 41/28.

78. Con 41/35.

79. Con 41/26.

"charged with throwing her child in a mudhole a male child 10 days old, states this child was not her own, my own child was buried 4 months previous to this transaction".

"Murder of her child by starvation I did not do it it was a bowel complaint".

"My child died of convulsions not strangulation".

The women who made the last two comments could have been telling the truth. Both were tried during the famine which was responsible for thousands of children's deaths.

One woman became entangled with the conflict over land. Charged with being an accessory to the murder of her husband she explained that "Some persons served three notices to quit the premises on my Husband & because he did not go they ... killed him in bed by my side. I am ... innocent of the crime laid to my charge we were married 20 years". Two women had been involved in rioting against authority. One of them, Mary Doherty, a forty-seven year old housemaid from Londonderry, stated that "Mr Talbot was pulled out of a Tax Cart the fall killed him".⁸⁰

80. Con 41/14.

Reports of other cases give an idea of the motives and background of women tried for violent crime in Ireland. Women explained their offences in the following ways:

"Administering Arsenic ... to her mistress to prevent her giving evidence against her for stealing clothes".

"Manslaughter of Sarah Shields, I went to assist her when her husband was beating her and they tried me for [assisting] him".

"Killing Samuel Crumner ... my Father in Law I was sentenced to death".

"Murder of her stepson I do not know anything about it his body was found 9 miles from the house".

"Poisoning my husband".

None of the women transported for assault can be classified as social offenders. The offence mostly resulted from quarrels, as the following comments illustrate:

"Assaulting Nelly Sullivan she swore I kept a Brothel tried to Turn her out of my house".

"aiding felonious assault on a female child under 10 years of age I am innocent".

"Assaulting Mrs Hubbard head Matron of County Gaol Co Meath tried with Mary Smithton".

"throwing a basin of boiling [water] in a woman's face".

"Assaulting May Hayes with a Knife on the Throat".

Other offences which caused the transportation of two per cent of the women included assault and highway robbery, child desertion, child stealing, sacrilege, coining, perjury, false pretences and escaping from prison. All of these crimes except assault and highway robbery were punished by seven years transportation. Half of the thirty women tried for assault and highway robbery had received ten or fifteen years. Two highway robbers explained their offences as:

"Highway robbery, Tea Sugar and Money".

"Stealing 10/- from the person at Belfast".

Rosanna Flynn, tried for the same offence, had two previous convictions, one for leaving the poor house and the other for stealing potatoes.⁸¹ Three of the sixteen perjurers said:

"I accused Denis Fagan of shooting a man, he was imprisoned for a fortnight and then I swore he did not do it"; this woman, who was a prostitute for five years, had been convicted several times for drunkenness.

81. Con 41/22.

"Perjury, stole £8 from my father".

"I swore that a man ... broke into a church. I was drunk at the time".

Mary Fitzpatrick, a coiner from Tipperary, had been in prison for twenty-seven months on two charges relating to similar offences.⁸²

Irish women tried in Britain had relatively more sentenced to long terms of transportation than females from Ireland. Only sixty-two per cent had to serve seven years as can be seen in Table 29.

TABLE 29*

Sentences of Irish Women Tried in Britain

7 years	10	14	15	life
62%	24%	8%	3%	3%

Differences in the terms of transportation between the two groups resulted from the leniency shown by the Irish courts during the famine. Although serious crime such as animal stealing and arson increased at this time only 110 out of the 1,145 tried between 1846 and 1849 received sentences of more than seven years. The substantial criminal records of many of the Irish women tried in

* Compare with Table 25.

82. Con 41/5, Con 41/30.

Britain could have also influenced the courts to impose long sentences. Seventy-two per cent had been convicted before. They were mostly urban offenders, coming mainly from London, the cities of Lancashire or from Edinburgh and Glasgow in Scotland.

Four-fifths had been transported for ordinary larceny. Fifty-eight per cent were pickpockets or shoplifters, forty per cent stole clothes or other articles and only two per cent had taken food, mainly cheese, butter or meat. Usually they received seven year sentences but thirty-six per cent had to serve longer terms. Pickpockets were treated harshly by the courts. Over half were sentenced to terms ranging from ten years to life. Many women came from Scotland charged with "Theft habit and repute" or "Theft with previous convictions".

Vagrancy or disorderly conduct were common former offences of women tried for ordinary larceny. Catherine Fleming, transported from Lancaster for ten years for "Stealing 45£ from a Young man" had been nine times in prison for vagrancy.⁸³ Margaret Brown had several convictions as a rogue and vagabond, and Amelia McCabe, a sixteen-year-old nurse tried in Liverpool in 1846 for

83. Con 40/4.

stealing ribbon, had been eight times imprisoned for vagrancy.⁸⁴ Another two women convicted in Liverpool had between them sixteen convictions for the same offence. A pickpocket from Lancaster had twelve vagrancy offences. Ann Ward who was tried in Leeds in 1842 for stealing money had thirty previous convictions for similar offences.⁸⁵ Mary Brown, tried in Manchester for stealing a coat, had between ten and twelve convictions for disorderly conduct.⁸⁶

Others who had substantial records had become hardened offenders, inured to crime. Mary Welsh, only seventeen when transported from Lancaster for stealing wool, had twenty other convictions for larceny.⁸⁷ Mary Patterson, who had eight years' experience on the town, was a pickpocket previously convicted twenty-seven times.⁸⁸ A woman who stole two gowns had been nine times in prison. Mary Clare's record included "Once 3 m[on]ths for st[ea]ling from person, 2 [times for] drunkenness, 8 days & two months, and two or three times for vagrancy".⁸⁹ One woman explained her offence and

84. Con 41/1, Con 41/9.

87. Con 41/23.

85. Con 41/37.

88. Con 41/17.

86. Con 40/2.

89. Con 40/2.

background as "Stealing boots from Mr. Cowles Transported before for 7 years for a pair of scales - about 9 years ago - I served only 3 m[on]ths - again 3 m[on]ths for boots". Comments from the gaol reports confirm that many tried for ordinary larceny were regular and hardened offenders who lived by crime:

"has brought up a family of thieves seven times convicted".

"Once for stealing from the person ... served 2 years in Kirkdale - once convicted of Highway Robbery - life first sentenced to die, served 4 years in the Penitentiary ... I was last on the Town for 12 weeks."

"Of the worst description convicted before lived by plunder".

"Associated with persons of the worst description".

"Idle Drunken Profligate of bad desposition has brought up her own children with thieving & employed a number of boys to commit robberies and received the stolen property".

"Stealing money once as accessory to a Highway Robbery Death recorded 12 months & discharged. Once 28 days for leaving my work once 2 months for stockings".

Ellen Barnard, a fourteen-year-old nursemaid tried for stealing "3 silver spoons" caused so much trouble

that she was finally transported. The gaol report stated "This prisoner had been confined in the General. penitentiary since her conviction and is now transported in consequence of her incorrigible bad conduct in that prison". The surgeon reported that she was rather indifferent but very young and thoughtless.⁹⁰ Bridget Sullivan, tried in Bristol and sentenced to seven years for stealing a coat and cloak, had followed a "Career of crime".⁹¹ Caroline Smith's father had been the member of parliament for Galway for twenty years yet she "behaved very ill on board" and was an "exceedingly bad and exceedingly dangerous woman".⁹² Another woman tried to avoid her sentence. She "Tried various schemes to avoid transportation all others failing has latterly feigned madness but there is abundant proof of her imposture."

Some travelled around the countryside committing crimes. Typical examples included:

"A Native of Ireland has been tramping about the Town and neighbourhood of Sheffield with her husband & children for years, she is a drunken, turbulent,

90. Con 40/1.

91. Con 41/7.

92. Con 40/10.

"disorderly woman".

"Travelling with a Man who goes about the country writing begging letters".

"associated with travelling thieves for years who have also been transported".

Only a few of the women had something to recommend them. Ellen Watkins was described as a "respectable widow", and Mary Harrison who was transported for ten years on her second conviction for stealing watches said she "committed this crime to get transported having lost my character".⁹³

Most of the ordinary larceny was minor although some stole substantial sums of money or valuable articles. Mary Gribben was transported for stealing and "Pawning Sheets from my Lodgings". Mary Blackburn had stolen "7/6 from a young woman" and had been twenty-six times in prison.⁹⁴ Other examples include:

"Stealing a watch and pawning it ... once two months for a similar offence".

"A prostitute, stealing a Five pound Note from a sailor".

93. Con 40/10, Con 40/6.

94. Con 40/4, Con 40/2.

95. Con 40/4, Con 40/1.

"stealing 2 Handkerchiefs & 2 yards of linen convicted before".

"stripping a Child at Edinburgh".

"Stealing £1 from a man in Oxford Street".

Margaret Flynn from London had robbed her mistress of plate valued at £250 and Mary Cully had robbed her master of £152.⁹⁵ Ann Heaton stole £75 from a person in Lancaster and had eleven other convictions.⁹⁶

Burglary, receiving and assault and highway robbery resulted in the transportation of fourteen per cent of Irish women from Britain. These offences generally attracted long sentences. Twenty-five of the fifty-two burglars had more than the minimum term, twenty-three of the twenty-eight women tried for assault and highway robbery were serving from ten years to life and twenty of the forty-six receivers had been sentenced to either ten or fourteen years. It appears from comments in their gaol reports that most of these women had also lived by crime. Mary Halford, transported for stealing from a dwelling house, had "lived by Plunder". Elizabeth Leonard explained "I was going to the House of Correction

95. Con 40/4, Con 40/1.

96. Con 41/3.

for a few mo[nths] but I insulted the judge on purpose to come out". Her husband Jeremiah had previously been transported to the colony.⁹⁷ Rose Cavannah, a thirty-five year old nurse, was transported for receiving in 1851. She had six convictions for vagrancy and had been "a thief for the last 4 or 5 years".⁹⁸ Another receiver described as a "low prostitute" had been in trouble nineteen times. Susannah Clark had been "a receiver of stolen goods several years" and Ann Black's husband was connected with young thieves.⁹⁹ One of the highway robbers had "been a Travell[ing] thief for many years" and Mary Cairney, tried for assault and robbery and a prostitute for five years, had been imprisoned twenty times for disorderly conduct.¹⁰⁰ Another highway robber was described as a "deep, designing prisoner, character supposed to be very bad". Mary Bird, a receiver, had been connected with prostitution. She had "lived as a prostitute and Brothel Keeper 12 years".¹⁰¹ Jane Carter was one of the few burglars without previous convictions. A twenty-seven year old country servant transported from

97. Con 40/6.

100. Con 41/17.

98. Con 41/32.

101. Con 41/11.

99. Con 40/1, Con 40/2.

Hereford she stated that "My husband [was] tried and convicted with me".¹⁰²

A few Irish women were transported for coining, forgery, false pretences, arson, child stealing, animal stealing or crimes of violence. The one woman tried for assault had been charged with "Scalding Husband by throwing a saucepan of boiling water upon him". Three transported for murder had been connected with the deaths of children. These women had no other convictions but Margaret Macguire, tried in Lancaster in 1848 for stabbing with intent to murder, had been seven years on the town and seventeen times in prison.¹⁰³ Mary Rayn was another first offender. She had attempted to "poison Cath^r Porter with Arsenic in a pie in consequence of her quarrelling with my friends & saying that I had been transported."¹⁰⁴ A husband of one of the twenty-five coiners had been executed for the same offence. Ellen Morgan received seven years for "Obtaining Money by false pretences £2.10.0 as a Fortune Teller".¹⁰⁵ Mary Fobester and her husband were transported from Suffolk in 1830 for "Feloniously Cutting Silk in a

102. Con 41/29.

104. Con 40/8.

103. Con 41/21.

105. Con 40/7.

loom".¹⁰⁶

Other comments in the records give an idea of the background of some of the Irish women tried in Scotland, England or Wales. A London pickpocket had "worked last for Mr Raimond, North Street Red Lion Square, I was last on the Town". Mary Brown's husband had been dead three years before her conviction for stealing £2.15.0 in Middlesex. She had been a prostitute for twelve months.¹⁰⁷ Another woman's husband was a tailor at Glasgow but she still had her two children aboard the ship. Mary Cook, described as "the worst possible, an incorrigible thief, refractory & insolent in the greatest degree", had lost her husband.¹⁰⁸ Norah Denny was tried with her son Joseph who stole money from his master and gave it to his mother. Joseph had to serve life although only sixteen years old.¹⁰⁹ Many of the women had left their husbands or had formed relationships with other men. Typical examples included:

"Husband John McCarthy transported 2 year ago to N.S.W."

"Single, 3 children - I lived with John Smith 7 years,

106. Con 40/3.

108. Con 40/1.

107. Con 40/1.

109. Con 40/3.

he was transported for the same offence".

"I am a widow and I lived with Henry Olford. I said I was married to him at the Gaol".

"Husband Daniel in the West Indies".

"Widow I lived with John Owen & said I was married in order to see him in Gaol 7 months on the Town".

Many who had spent several months or years in prison must have been corrupted or brutalized. The old-style prisons existed until the early 1840s and were described as "truely 'lyceums' and 'academies' of crime".¹¹⁰

Conditions in the gaol in Newgate in London would have been typical. Here, as one novelist describes it, old hags and mere children, "some lying on the floor, half-naked in the stifling heat, or stretched drunkenly on settles, yelling in argument" were indiscriminately thrown together.¹¹¹

Robson decided to consider the number of previous convictions as a criterion of criminality. He found Scottish women to be the most abandoned, followed by the English and then the Irish.¹¹² The majority of Irish

110. K. Chesney, The Victorian Underworld, Britain, 1971, p. 28.

111. R. S. Close, Eliza Callaghan, Sydney, 1969, p. 10.

112. L. Robson, The Convict Settlers ..., p. 76.

women transported from Britain were regular offenders, many of whom lived by crime. Their offences, criminal records and comments given in the gaol reports suggest that most were an indifferent batch of women almost beyond recovery. Once in the gaols or in British slums they became part of the criminal class. They committed similar offences and conformed more to other females convicted in Britain than to women sent from Ireland.

When compared to the men female convicts transported from Ireland do not generally deserve the good opinions held of them by historians. Like women tried in Britain most had previous convictions. Those sentenced in cities were hardly distinguishable from English or Scottish-tried females. They did differ to some extent in the types of crime causing their transportation. Arson, animal stealing, vagrancy and crimes of violence were more prevalent in Ireland. More of the women convicted in Ireland had also been forced into criminal activity through distress or starvation. Some of those tried for animal stealing or ordinary larceny must be regarded as basically honest and far from depraved. Arsonists and a few of the vagrants had little alternative but to commit their offences. Many tried for arson purposely burnt down houses or set fire to hayricks in order to be

transported. They hoped to escape the terrible consequences of the famine or to join relatives in the colony. Yet very few can be considered social offenders or village Hampdens. Irish courts only transported women with one or two convictions or for a serious offence. The good name of the women from Ireland was earned by a minority, convicted of their first offence or well-behaved in the colony. Most others had been regular offenders in Ireland and many had become accustomed to a life of crime.

CHAPTER IV

ARRIVAL

SECTION I: 1803 - 1839

Very few of the men and women transported from Ireland to Australia before 1840 found themselves in Van Diemen's Land. They accounted for only ten per cent or 1,072 of the total number of convicts tried in Ireland and sent to the colony. This is in striking contrast to the substantial numbers of Irish felons transported to New South Wales. Between 1803 and 1839 that colony received over 24,400 men and women from Ireland.¹ The disparity in the numbers of Irish landed in the two colonies is clearly reflected in their proportion of the two convict populations. Whereas nearly forty per cent of women and thirty per cent of male offenders transported to New South Wales were Irish², only twenty-nine per cent of female convicts and thirteen per cent of men sent to

1. A. G. L. Shaw, Convicts and the Colonies, London, 1966, pp. 363-368.

2. *ibid.*, p. 183.

Van Diemen's Land had been convicted in Ireland. The question arises: why did so few Irish prisoners come to Van Diemen's Land before 1840?

Unfortunately there is no direct documentary evidence which would help in solving the problem. Colonial governors appear to have had no idea of why the Irish only went to New South Wales, although the practice had been well-established and recognized by 1829. In that year Governor Darling of New South Wales in a despatch to the Secretary of State, Sir George Murray, commented "I have understood ... that no convicts of either sex are ever sent from Ireland to Van Diemen's Land". Not having been informed of the reason he asked, "unless it is one of importance, I would beg to suggest that this colony may be relieved of a portion of the Irish convicts, particularly of the women".³ Murray's reply was non-committal. He told Darling that the request would be communicated to "Mr. Secretary Peel" and there the matter rested.⁴ George Arthur, governor of Van Diemen's Land from 1824 to 1836, also knew of the custom of not sending Irish

3. H.R.A. I, XIV, Darling to Murray, 18 February 1829.

4. H.R.A. I, XV, Murray to Darling, 6 December 1829.

convicts to the colony. But he gave no reason for it, although he wished the practice to continue. In 1830, because of trouble with the aborigines, he recommended that all transports "about to sail with convicts from England (the Irish convict not having been hitherto sent to Van Diemen's Land)" should be ordered to proceed to the island.⁵

It has been claimed that because of religious reasons Arthur requested the British government to forward all Irish convicts to New South Wales. According to Manning Clark, Arthur believed that "Ireland was a breeding ground for a loathsome superstition and those human monsters, who, after a life of crime and disaffection, practised cannibalism in the sombre bush of Van Diemen's Land".⁶ The New South Wales colonial secretary, Alexander McLeay, suggested that the transfer of Irish convicts from that colony ceased when Van Diemen's Land became independent, not long after Arthur became governor.⁷

5. GO 33/7 Arthur to Murray, 15 April 1830.

6. C. M. Clark, A History of Australia, Vol. II, Melbourne, 1968, p. 123. See also by the same author A Short History of Australia, New York, 1963, p. 65, in which he states Arthur requested the British government not to send Irish convicts.

7. Legislative Council of New South Wales, Votes and Proceedings, Committee of Immigration, 1838, p. 177.

But no evidence has been produced to support these assertions, nor have Arthur's motives for recommending such a policy been fully explained.

Why should Arthur be accused of stopping the transfer of transportation of Irish convicts to the colony because of religious bias, when in fact other contemporary governors were more anti-catholic and more anti-Irish? His writings contain none of the attacks on Irish catholics such as those found in the despatches of Sir Thomas Brisbane and Ralph Darling, both governors of New South Wales. In 1824 Brisbane accused Irish catholics in New South Wales of being responsible for every "Murder or diabolical crime" committed in the colony since his arrival. This he ascribed entirely to "their barbarous ignorance" and to the fact that a priest had been allowed into the colony. He believed the catholic community would have otherwise dwindled and become ingrafted with the protestant.⁸ Darling, Brisbane's successor, also had no desire to see any more of the "clergy of the Catholic persuasion". After suspending Father Therry in 1825 for offensive behaviour he thought trouble could ensue as a large proportion of the convicts

8. H.R.A. I, XI, Brisbane to Bathurst, 28 October 1824.

were of the "lowest class of Irish Catholics, ignorant in the extreme, and ... bigoted and under the domination of their Priests".⁹

Arthur, by contrast, spoke highly of Father Conolly regarding that cleric's selection for Van Diemen's Land as a judicious decision.¹⁰ He also allowed Edward Curr to take his seat in the Legislative Assembly in 1826, although Curr as a catholic had declined to subscribe to the declaration and oath of supremacy.¹¹ But he did regret the results of Bishop Polding's visit in 1835. As a protestant it would have been natural for him to do so as many of the catholics who had been attending protestant churches now returned to their old communion. Yet Arthur still sanctioned a grant of £1,500 for a catholic church and believed Polding, with his mild, conciliatory manner, to be a more than satisfactory choice as the first catholic bishop of Australia.¹² Such beliefs and actions do not support a view of Arthur as a religious fanatic intent on saving Van Diemen's Land from the

9. H.R.A. I, XII, Darling to Bathurst, 6 September 1826.

10. GO 33/1 Arthur to Bathurst, 1 February 1826.

11. H.R.A. III, V, Arthur to Bathurst, 21 April 1826.

12. GO 33/20 Arthur to Glenelg, 21 September 1835.

scourge of the Irish. Although a religious and moral man he was not "other-worldly", being patently ambitious in his career and "assiduously practical in securing his pecuniary interests".¹³ As one historian has observed, Arthur may have personally agreed with Brisbane that without priests local catholics would revert to the Anglican Church, but as a governor he treated catholics with the same broad-mindedness as he did the methodists, presbyterians or any other non-Anglicans.¹⁴

Other circumstantial evidence implies that there existed no official policy to reserve Van Diemen's Land for protestants and Englishmen. Irish labourers and tradesmen began to arrive as assisted immigrants in the early 1830s. These people would have been of the same class and religion as the Irish convicts. Arthur did have initial trouble with 150 mechanics aboard the Strathfieldsay from Dublin, yet only a few months after their arrival in 1833 he informed the British government that they had "now got into employment and are conducting themselves very creditably - better than first appearances

13. W. D. Forsyth, Governor Arthur's Convict System, Sydney, 1970, pp. V-VII.

14. M. C. I. Levy, Governor George Arthur, Melbourne, 1953, p. 197.

led me to suppose they would".¹⁵ Arthur thought that a proposition from his treasurer, Jocelyn Thomas, himself an Irishman who was later accused of embezzling colonial funds, to pay for the passage of a large but very poor family from Queens county had merit. He believed the colony would derive "infinite advantages from the introduction of such families".¹⁶ The Irish families of Patrick Baron and Philip O'Meara also had reason to be grateful to Arthur who, because of their distress, found ways to advance them money to tide them over.¹⁷

Arthur was responsible for sending to New South Wales thirty-one Irish military offenders who arrived in the Lady Kennaway in 1835. He had good reason as the names of the men had not been included in the assignment list and were under orders of transportation to New South Wales, not Van Diemen's Land. Apprehension existed that they could not be legally detained in the colony. A despatch was forwarded to the Irish authorities "suggesting to them the necessity of distinguishing in all

15. GO 33/14 Arthur to Hay, 4 October 1833.

16. GO 33/8. Arthur to Howick, 25 October 1832.

17. GO 33/8 Arthur to Goderick, 2 November 1832.
GO 33/13 Minutes of Executive Council, 17 November 1832.

cases between New South Wales and Van Diemen's Land".¹⁸ During the same year the Neva carrying Irish female prisoners from Cork to Sydney was shipwrecked off King Island. Arthur was quite happy that the survivors should stay in the colony.¹⁹

Other reasons have been advanced to explain why so few Irish prisoners came to Van Diemen's Land. With the influence he possessed in Downing Street Arthur may have been able to secure all the best agricultural labourers while the relatively useless London pickpockets and Irish felons went to Sydney.²⁰ The practice could have begun almost accidentally as a result of a purely administrative decision. The Irish authorities might have continued to despatch all Irish transports to New South Wales not knowing of the separation of the two colonies. No evidence has been found to support these views.

When compared to New South Wales the colony did receive a higher proportion of former offenders. Because

18. GO 33/14 Arthur to Le Fevre, 20 February 1835.

19. GO 33/20 Arthur to Rice, 7 July 1835.

20. T. P. McQueen, Australia as She is and as She Maybe, London, 1841, p. 17.

of this it has been suggested that there could have been a policy to reserve the island for persistent criminals, thus effectively excluding the generally well-behaved Irish.²¹ It is unlikely that such a policy could have been carried out without colonial knowledge or without the establishing of some criteria for selection and the setting up of administrative machinery. Arthur, the governor most involved, certainly had no knowledge of such a policy. He reported that there was no difference in the character of English convicts transported to each colony.²² Other objections tend to destroy the validity of this suggestion. The number of prisoners sent to Hobart with previous convictions was inflated by the many doubly-convicted felons and hardened criminals transferred from New South Wales before 1825. Yet all the governors of Van Diemen's Land resisted this re-transportation to the colony. They also transferred many of their doubly-convicted convicts to penal settlements in New South Wales. If there was a policy to send the worst convicts to the colony many more Irish prisoners should have arrived. Men and women tried in the cities of Ireland

21. L. Robson, The Convict Settlers of Australia, Melbourne, 1965, p. 91.

22. Parliamentary Papers, Vol. 19, 1837, p. 283.

hardly differed in their offences and criminal pasts from prisoners convicted in urban areas of Britain.

In 1837 Arthur gave evidence to the Molesworth committee on transportation. He confirmed that no Irish felons went to Van Diemen's Land explaining that such matters would not be known in the colony as they were "regulated in the office of the Secretary of State for the Home Department".²³ Robson believed Arthur could have been evasive, because he was defending himself and his administration and "may have thought that admission of manipulation before he left England for the colony might tell against him".²⁴ But the decision to send all Irish transports to New South Wales had been made long before Arthur became governor. From 1818, when regular direct shipments of convicts to Van Diemen's Land began, to 1824 when Arthur became governor, thirty-two transports, all despatched to New South Wales, left Ireland.²⁵ During the same period thirty-two English transports came directly to Van Diemen's Land.

23. *ibid.*

24. L. Robson, op. cit., p. 90.

25. C. Bateson, The Convict Ships, 1787-1868, Glasgow, 1956, Appendix 1, pp. 293-294.

The only way to satisfactorily resolve the question of why Irish convicts were sent only to Sydney is to detail how prisoners came to the colony before 1840. This will involve discussing at some length the New South Wales government's attitude towards the supply of convict labour for Van Diemen's Land. Tables 30 and 31 give the periods of arrival of Irish convicts. It can be seen in Table 30 that most of the men and women convicted in Ireland arrived between 1816 and 1820. The majority of Irish convicts tried elsewhere arrived between 1826 and 1839, mainly on English transports sent direct to the colony.

TABLE 30

Convicts Tried in Ireland

Arrival	Men	Women	Total
1803-1815	63	71	134
1816-1820	659	170	829
1821-1825	27	6	33
1826-1839	56	20	76
Total	805	267	1072

TABLE 31

Irish Convicts Tried Elsewhere

Arrival	England, Scotland, Wales		Overseas colonies	Australia	Total
	Men	Women	Men	Men	
1803-1815	9	-	9	-	18
1816-1820	116	-	21	-	137
1821-1825	84	7	6	22	119
1826-1839	646	295	103	33	1077
Total	855	302	139	55	1351

Van Diemen's Land remained primarily a penal colony and an outstation for convicts from New South Wales until 1820. The colony had been established partly to provide a place of exile for the more "felonious of the felons" and as the "Botany Bay of Botany Bay".²⁶ But as more settlers arrived there was an increase in the demand for convict labour. The dependence on New South Wales for supplies of men resulted in constant irritation, complaint and friction between the two colonial governments. As early as February 1804 Governor Collins asked that no more doubly-convicted felons be transferred to the colony. The introduction of such abandoned and hardened men into an infant community would have the most "mischievous

26. John West, The History of Tasmania, Launceston, 1852, Ed. A. G. L. Shaw, Sydney, 1971, p. 30.

effects", he said.²⁷ The small number and types of convicts sent to the island before 1816 caused Colonel Thomas Davey to bitterly complain that only 175 prisoners had arrived since 1813, and that the practice had been to select the "worst and most profligate characters from the Gangs at Port Jackson for these settlements".²⁸

Before 1815 Irish convicts arrived usually in small groups and amongst other prisoners transferred from New South Wales in order to satisfy labour needs or to rid that colony of troublesome convicts. They constituted sixteen per cent of the total number of convicts transported to the colony in these early years. A few had arrived during Lieutenant Bowen's command of the settlement established at Risdon Cove. David Collins, who relieved Bowen, shifted the camp to Sullivan Cove but was most reluctant to add the Risdon Cove convicts to his establishment. In May 1804 Collins was pleased to learn of the defeat of the "rash but well planned Designs of the Irish Insurgents at Castle Hill". "I fortunately", he explained to King, "have but few from that Country with me, and of them I have no Apprehensions;

27. H.R.A. III, I, Collins to King, 29 February 1804.

28. H.R.A. III, II, Davey to Earl Bathurst, 13 April 1816.

nevertheless I shall take the precaution of having their Proceedings narrowly watched".²⁹

Collins reported to the Secretary of State, Lord Hobart, in July 1804, that he had retained only nine of the Risdon Cove prisoners, "Eight of whom had been banished ... to an Island in Storm Bay, upon suspicion of harbouring some Mutinous design". Being mostly of the "class of United Irishmen" he sent them to Port Jackson "not choosing to introduce any such description of People among those I brought with me, Until my Military Force shall be better calculated from its Strength to Watch over them".³⁰ The Castle Hill rising thus gave Collins an excuse to solve the problem he inherited from the original settlement at Risdon Cove by the banishment of Irish political prisoners from Van Diemen's Land.

Other Irish political prisoners came to replace them. William Maum, involved in an Irish conspiracy in New South Wales in 1800, and the rebel priest Father James Harold arrived in the years 1807 and 1808. Four other Irishmen sent to the colony before 1810 are known to have been political prisoners. Their case typifies the

29. H.R.A. III, I, Collins to King, 15 May 1804.

30. ibid., Collins to Hobart, 31 July 1804.

use made of the colony by the New South Wales government to dispose of undesirable prisoners. These men had embarked aboard the Tellicherry at Cork in 1805 after the authorities agreed to let them voluntarily banish themselves for life instead of facing charges relating to their treasonable activities.³¹ Governor Bligh discovered, although no arms were found and no overt act had taken place, that they had organized an insurrection.³² Only two of the six tried were convicted but Bligh broke up the gang by sending two each to Norfolk Island, the Derwent and Port Dalrymple.³³ After Bligh's overthrow the insurrectionary government granted each of them a hundred acres of land in New South Wales, an act confirmed by Macquarie when he became governor in 1810.³⁴

The resettling of Norfolk Island people in Van Diemen's Land created an urgent demand for labour. The Norfolk Islanders had been promised land and labour when they moved in 1808. Increasing pressure was applied to the New South Wales authorities to send men. But by

31. H.R.A. I, V, Marsden to King, 17 August 1805.

32. *ibid.*, Bligh to Windham, 19 March 1807.

33. *ibid.*, Bligh to Windham, 31 October 1807.

34. *ibid.* Note 203.

May 1809 the position had become serious. Collins found it impossible even to carry on the public service³⁵ let alone meet the claims of the Norfolk Island settlers, adding that "I should not mention this want of labouring People ... had I not made several ineffectual Applications to the Government at Port Jackson".³⁶ Fortunately Macquarie proved to be more sympathetic when he became governor of New South Wales, and most Irishmen transferred in these early years came amongst prisoners sent in order to satisfy labour requirements on the island.

In 1810 the ship Union with sixty prisoners on board "including as large a proportion of Mechanics as can be spared at present from the Public Works", left for the colony.³⁷ Ten Irishmen, including James Fadden, a soldier tried in Canada, and six others sentenced to seven year terms in Dublin City, arrived with these convicts. During the following year it was impossible to extend any assistance to the Norfolk Island settlers which caused great hardship among them. New South Wales settlers had taken every man as soon as they arrived. Against

35. H.R.A. III, I, Collins to Paterson, 25 March 1809.

36. *ibid.*, Collins to Viscount Castlereagh, 10 May 1809.

37. *ibid.*, Macquarie to Collins, 8 March 1810.

this background and because of the expense of transferring convicts, Macquarie suggested that a male and female transport should be sent direct to the Derwent.³⁸ The recommendations were accepted. The Indefatigable, which had been on the point of sailing to Port Jackson, was ordered instead to carry its 200 convicts to Van Diemen's Land.³⁹ Five of the men had been born in Ireland. The Emu, the female transport, never reached the island, being captured by a French pirate who caused great loss as the women were very much needed in the colony.⁴⁰

The supply of men sent direct proved insufficient and in 1812 Macquarie ordered the transfer of more prisoners aboard the Ruby and Lady Nelson. The eighty men aboard the Ruby had to be distributed among "the Norfolk Island Settlers; in liquidation of their long standing Claims for Government Labourers".⁴¹ There still existed a great scarcity of skilled men in the colony as New South Wales requirements took first preference. Macquarie explained that the demand was so great at

38. H.R.A. I, VII, Macquarie to Liverpool, 18 October 1811.

39. ibid., Liverpool to Macquarie, 19 May 1812.

40. ibid., Goulburn to Davey, 19 October 1812.
Macquarie to Bathurst, 28 June 1813.

41. ibid., Macquarie to Geils, 8 February 1812.

"Headquarters for all kinds of Mechanics as to render it impossible to spare you any."⁴² Some attempt was at least made to fulfil the demand for women. In 1814 the Catherine transport arrived at Sydney carrying ninety-seven women from Ireland. Sixty of the women were sent to the island aboard the Kangaroo, "In consequence of the very proportion of Females there are in the two settlements on Van Diemen's Land". Forty had to be retained at the Derwent while twenty went overland to Port Dalrymple.⁴³ Three men were also transferred on the same ship "for the purpose of breaking up a dangerous chain of connection they had formed". Thomas Byrne, tried in Kildare in 1797 and sentenced to life, was one of them.

Several other Irishmen came to the colony among small shipments of convicts transferred in 1814 and 1815. But by April 1816 Davey had had enough of Macquarie's procrastination. Macquarie had first regretted his inability to supply labourers, because two transports had failed to arrive from Ireland, and when they did arrive he refused to send men, claiming the demands in New

42. ibid., Macquarie to Geils, 1 June 1812.

43. H.R.A. III, II, Macquarie to Davey, 24 June 1814.

South Wales were too pressing.⁴⁴ Davey asked the Secretary of State to send at least some of the convicts transported to Australia direct to Van Diemen's Land. He had looked in vain to New South Wales to supply the 1000 men he needed.⁴⁵ Macquarie thought a claim made by Davey for only 200 men extravagant. He supposed that Davey imagined an immense depot of some thousands of prisoners kept in Sydney to supply the outstations and accused him and his predecessors of not fairly and impartially distributing the convicts already sent.⁴⁶ It is obvious that in the years prior to 1815 there was no consistent policy regarding the transfer of convicts to the colony, except that the New South Wales government generally reserved for its own use most of the skilled men and the majority of prisoners sent from England and Ireland.

The labour situation improved dramatically between 1816 and 1820. Large numbers of convicts arrived from New South Wales, mainly because of conditions in that

44. *ibid.*, Macquarie to Davey, 18 July 1815.
Macquarie to Davey, 30 October 1815.

45. *ibid.*, Davey to Bathurst, 13 April 1816.

46. *ibid.*, Macquarie to Davey, 30 September 1816.

colony, and direct transportation of prisoners from England began in earnest after 1818. Over three-quarters of the men and women tried in Ireland and sent to the colony before 1840 arrived. With other Irish prisoners tried elsewhere they accounted for a quarter of the total number of convicts sent in these years and for nearly two-fifths of those from New South Wales. The New South Wales transferees were still considered by far the worst convicts. All questioned on the subject in 1820 by Commissioner Bigge were quite adamant in their opinions. Anthony Fenn Kemp, a merchant who had been in the colony for four years, found them to be the most "abandoned and profligate and generally from the Jail Gang". The head of the police department Adolarius Humphry described them as "men of the worst description". Both agreed that skilled men were nearly always retained in New South Wales.⁴⁷ Faced with such evidence Bigge reported that the worst types of prisoners were those transferred to Van Diemen's Land from Sydney.⁴⁸

This evidence and Bigge's conclusion exaggerate the

47. H.R.A. III, III, Examination Anthony Fenn Kemp,
8 November 1819.

Examination A. W. Humphry, 11 and 13
March 1820.

48. J. T. Bigge, Report on the Colony of New South Wales,
Adelaide, 1966, p. 46.

situation, particularly with regard to Irish convicts, most of whom were transferred soon after their arrival in New South Wales. In 1816, possibly because of Davey's complaints, Macquarie transported 232 men and eighty-one women to the colony, nearly double the number sent during the previous three years. One hundred and two Irish prisoners, including sixty-seven women, came with them. Little time could have been spent in selecting the best of the Irish women as they were trans-shipped during the same month of their arrival. But of the thirty-five men most had spent a year or two in the mother colony and could have been chosen because of their characters.

The demand for labour continued to increase and William Sorell, who succeeded Davey in 1817, reminded Macquarie in June of that year of a previous request for more convicts who were "equally needed for the Public Works and for the aid of the Settlers."⁴⁹ Conditions and labour needs in New South Wales changed to such an extent following disastrous floods in 1817, 1819 and 1820 that Macquarie was glad of the opportunity of ridding the colony of surplus convicts. The settlers in New South Wales had no choice in 1817 but to return their

49. H.R.A. III, II, Sorell to Macquarie, 23 June 1817.

servants to the government, adding between 500 and 600 men to those already supported on the stores. In view of lessening this expense Macquarie sent as many convicts to Van Diemen's Land as he imagined would prove useful. He considered the cost of transferring them to be trifling when compared to the price of victualling them in New South Wales for seven or eight months.⁵⁰

During 1817, 571 prisoners including fifty-eight women arrived in the colony. Of these, 163 men and fifty-one women were Irish. The majority had little time in New South Wales to become hardened by colonial conditions or to appear before colonial courts. The fifty Irish women and the 140 Irish men aboard the Elizabeth Henrietta and Jupiter were transferred soon after having been landed in Sydney. Sorell was satisfied with their behaviour but he had to report that not one "Artificer or Mechanic of any Kind" had arrived with the men aboard the two ships.⁵¹ Apparently the policy of selecting skilled men for New South Wales continued and the Irish having fewer tradesmen than other convicts were frequently sent on.

50. H.R.A. I, IX, Macquarie to Bathurst, 12 December 1817.

51. H.R.A. III, II, Sorell to Macquarie, 13 September, 1817.

Again in February and March 1818 Sorell had to ask for more government labourers, "there being at present a considerable addition ... wanted for the Works, Streets and Roads, and for the Settlers; who have lately made large and urgent demands for Servants".⁵² In New South Wales the settlers had not yet recovered from the previous year's flooding. Employment could not be found for the large number of convicts transported. In one month five transports brought 1046 male prisoners. Macquarie decided to charter two of the transports to transfer their human cargo to the Derwent without landing them in Sydney, taking as few "Artificers as possible" for New South Wales.⁵³ One of the ships, the Minerva, had 158 Irishmen aboard, the bulk of the 184 sent in 1818. The type of convict on the Minerva may have influenced the decision to send it to Van Diemen's Land. Three-quarters of the prisoners had been sentenced to transportation for life and nine per cent had fourteen-year terms, mainly for burglary, animal stealing and forgery.

Problems caused by the number of convicts transported to New South Wales continued during 1819 and 1820. In

52. *ibid.*, Sorell to Macquarie, 23 February 1818.

53. *ibid.*, Macquarie to Sorell, 31 May 1818.

six months from August 1819 to January 1820 fifteen ships brought 2,559 male and female convicts to Sydney rendering it "extremely difficult to find suitable Employment for them". Under these circumstances as many were sent to Van Diemen's Land as the settlers and public works on the island required.⁵⁴ During these two years the colony received 1,126 convicts from New South Wales, including fifty Irish women and 374 men. Twenty-three of the Irish male convicts came in unusual circumstances. They had volunteered to be transferred with other male prisoners, Macquarie stating that the "poor Volunteer convicts begged so earnestly to be permitted to proceed to the Derwent, and made such strong Professions of conducting themselves there correctly, that I was induced to yield to their wishes."⁵⁵

The Admiral Cockburn transferred 125 Irish men in 1819 soon after they had arrived in Sydney aboard the Bencoolen. They were described as "very healthy, well-behaved, useful men", who expressed themselves "sensible to the Kindness they experienced during the Voyage".⁵⁶

54. H.R.A. I, X, Macquarie to Bathurst, 23 February 1820.

55. H.R.A. III, II, Macquarie to Sorell, 8 March 1819.

56. ibid., Macquarie to Sorell, 4 September 1819.
Con 13/1.

The bulk of the Irish male prisoners sent in 1820 came aboard the Castle Forbes which Macquarie freighted a few days after it arrived from Ireland, deeming it "expedient to send a further supply of Male Convicts, for the use of the Settlements". He added that these men remained untouched except for four aged and infirm men sent into hospital.⁵⁷ Fifty other Irish felons, "selected from the Gangs at Sydney" and "represented generally to be very bad", came during the same year.⁵⁸ Because of the want of servants Sorell asked in March 1820 for a supply of female convicts from the next arrivals.⁵⁹ The government brig the Princess Charlotte made trips in May and August bringing forty-five Irish women among the ninety-eight female convicts transferred. Again, as in earlier years, the transfer of convicts resulted from ad hoc decisions controlled only by conditions in New South Wales and the needs of the government and settlers in Van Diemen's Land.

After 1820 the labour requirements of the colonies were almost wholly supplied by prisoners sent direct from England. Between 1821 and 1825 (the year Van Diemen's

57. H.R.A. III, III, Macquarie to Sorell, 14 February 1820.

58. H.R.A. III, II, Sorell to Major Cimitiere, 3 December 1819.

59. H.R.A. III, III, Sorell to Macquarie, 8 March 1820.

Land became an independent colony) only 182 prisoners came from New South Wales. In effect transportation from Sydney almost ceased. During the same period 4,420 men and women arrived from England. With no transports coming from Ireland and hardly any convicts arriving from New South Wales the number of Irish felons sent to Van Diemen's Land dropped substantially. They accounted for only three per cent of the number sent in these years.

Why did prisoners cease to arrive in any appreciable number from New South Wales after 1820? The number certainly dropped dramatically. It fell from a total of 692 in 1820 to twenty-three in 1821, forty in 1822, forty-nine in 1823, sixty in 1824 and ten in 1825. With the introduction of direct transportation of large numbers of convicts to Van Diemen's Land the colony's labour needs were adequately catered for. At the same time fewer prisoners went to New South Wales and that colony was able to absorb them. Apparently Macquarie's inability to find employment for the substantial numbers of convicts sent between 1816 and 1820 led to a decision to increase direct transportation to Van Diemen's Land. Over eleven thousand convicts had been sent to Sydney between 1816 and 1820. The decision to restrict the number must have been made in the latter year. The

number of prisoners transported fell by nearly a thousand from 2,579 in 1820 to 1,618 in 1821. During the next five years 7,928 convicts arrived, thirty per cent less than transported during the previous period.⁶⁰

Doubly-convicted felons still came from New South Wales to the penal settlement at Macquarie Harbour until 1825. Although their numbers were small Sorell complained that it was a serious evil as the settlement was crowded and inadequate to handle them.⁶¹ Bathurst agreed, suggesting to Brisbane "the impolicy of this measure which ought ... to be immediately discontinued." Macquarie Harbour was to be reserved exclusively in future for offenders of short sentence from Van Diemen's Land.⁶² Brisbane, obviously annoyed at the "extraordinary representation" made by Sorell, explained that while he had no alternative but to transfer ninety-eight men who had already once escaped from penal settlements in New South Wales, at the same time 198 convicts of the "very worst description" were sent from Van Diemen's Land to serve at Newcastle and Port Macquarie.⁶³ Twenty-two of the

60. A. G. L. Shaw, op. cit., pp. 363-368.

61. H.R.A. III, IV, Sorell to Horton, 30 November 1824.

62. H.R.A. I, XI, Bathurst to Brisbane, 30 January 1825.

63. ibid., Brisbane to Bathurst, 7 September 1825.

doubly-convicted prisoners sent from New South Wales were Irish, most arriving aboard the Elizabeth Henrietta in 1822 and 1823 and the Woodlark in 1824.

Others still serving sentences imposed by Irish courts arrived from New South Wales as assigned servants or to join their husbands. Elizabeth Behan, tried in Dublin City in 1818, was allowed in 1824 to reunite with her husband in Hobart. William Bedford, an Anglican minister who arrived in 1823, obtained permission for Irishmen to proceed to the colony in his service as did Father Conolly. Six Irishmen went to Port Dalrymple aboard the brig Neurus in 1824 as assigned servants. John Maher, tried in Tipperary in 1823, embarked for Hobart in the service of Mr. Commissioner Walker. All these Irish convicts received special permission, which was sought from the New South Wales government by their masters, to go to Van Diemen's Land.⁶⁴

Similarly the fifty-six men and twenty women tried in Ireland who arrived in the colony between 1826 and 1839 most probably came as assigned servants. Five per cent of convicts transported to Van Diemen's Land during these years were of Irish birth but most of them had not been convicted in Ireland. The majority came aboard English

64. Con 13/2, Con 13/3.

transports and a few had been sentenced in overseas colonies or were serving new terms of transportation given by New South Wales courts.

It is clear that Arthur was not responsible for stopping either the transfer of convicts from New South Wales or the direct transportation of Irish prisoners to the island. The system of forwarding all Irish transports to Sydney was due to a decision made when convicts first came directly to the colony. No reasons for the decision have been found in any available documents. But the decision could have been prompted by recommendations made by Macquarie in 1817. By June of that year he had become convinced that the expense of sending all convicts only to New South Wales and then transferring some to Van Diemen's Land could be avoided if some prisoners went direct to the outstation. He recommended the "Expediency of ordering one ship with about Two hundred male Convicts and one Ship with about one hundred female convicts, to be sent in future every second year direct from England to Hobart Town ... for the General use of that Island, Commencing with the early part of the ensuing year 1818, and continuing the same system every second

year afterwards."⁶⁵ Macquarie suggested that only convicts from England should be sent and it was only English prisoners who were sent. It appears that there was no bias on Macquarie's part; he probably felt the needs of the colony would be served adequately by a few ships from England. More convicts arrived after 1820 than had been originally asked for. This was due to the inability of the settlers in New South Wales to absorb all the convicts sent there, and to the urgent demand for labour created in Van Diemen's Land by an influx of settlers in the early 1820s.

The decision does not appear to have been influenced by any major policy considerations. Darling, ~~asked for~~ reasons in 1829 and would certainly have been informed had this been the case. Catholic immigrants from Ireland would hardly have been encouraged to emigrate to the colony in the 1830s if an attempt was being made to keep Van Diemen's Land protestant and English. According to all contemporary accounts some of the worst convicts were sent before 1820 but this did not have the effect of excluding Irish felons, most of whom arrived during earlier years. It is likely that the decision was

65. H.R.A. I, IX, Macquarie to Bathurst, 5 June 1817.

motivated by administrative rather than colonial needs which explains why no one in the colonies knew the reason for it. Arthur was not being evasive when he informed the Molesworth committee that the destination of the convicts was adjusted in England and that colonial authorities would be unaware of any decisions made.

SECTION II: 1840 - 1853

When transportation to New South Wales ceased in 1840 Van Diemen's Land became the main penal colony receiving over 36,000⁶⁶ convicts during the following thirteen years. Substantial numbers came directly from Ireland and with the Irish convicts tried in other colonies or in England they constituted nearly a third of the prisoners transported. Of the female convicts over two-fifths had either been convicted in Ireland or were Irish by birth. Three main periods of Irish transportation can be defined after 1839. During the first, extending from 1840 to 1845, convicts of other nationalities predominated, the Irish forming only twenty-four per cent of the number transported. Although there was a decline in the numbers transported from Ireland during the next

66. P. R. Eldershaw, Guide to the Public Records of Tasmania, Section 3, Convict Department Record Group, Hobart, 1965, Appendix 5, p. 64.

four years Irish convicts constituted a larger proportion of the prisoners who arrived. With the introduction of the exile system, allied with an increase in the number sentenced to transportation in Ireland during the Great Famine, Irish felons accounted for nearly half of the convicts sent between 1846 and 1849. Famine offenders were prominent among Irish male convicts who arrived during the last three years of transportation to the colony, but the exile system had been modified mainly because of problems associated with the Irish. They still formed a significant proportion as over two-fifths of the prisoners transported between 1850 and 1853 were Irish. This section will deal with each of the periods in turn, detailing how Irish transportation affected convict policy and how the colonial government, faced with specific problems relating to the Irish, reacted. Tables 32 and 33 show the numbers of Irish transported, where they were tried, and the date of their arrival.

TABLE 32

Arrival of Convicts Tried in Ireland

Arrival	Men	Women	Total
1840-1845	3057	1039	4096
1846-1849	1377	1145	2522
1850-1853	2062	1236	3298
Total	6496	3420	9916

TABLE 33

Arrival of Irish Convicts Tried Elsewhere

Arrival	England, Scotland, Wales		Overseas Colonies	Australia	Total
	Men	Women	Men	Men	
1840-1845	528	325	221	187	1261
1846-1849	119	161	106	61	447
1850-1853	205	162	70	8	445
Total	852	648	397	256	2153

The first transports from Ireland created problems for the colonial government. The assignment lists of the Egyptian and British Sovereign were informal and Sir John Franklin, who succeeded Arthur in 1837, had to obtain the opinion of the Solicitor-General as to whether the convicts could be legally detained in the colony. Further documents relating to military prisoners aboard the British Sovereign were needed and the convicts on the Egyptian had been assigned to New South Wales. The Irish authorities excused their mistake, explaining that as "the Egyptian was the first vessel sent from Ireland to Van Diemen's Land and the warrant being a printed Document, it was omitted to make the necessary alteration."⁶⁷

Prison clothing supplied to Irish convicts was also

67. GO 1/43 N. Macdonald to S. M. Philips, 24 June 1841.

discovered to be inferior. The clothes of the females aboard the Mary Ann, which arrived in 1841 from Ireland, were "found to be scarcely sufficient for the voyage - thus leaving them upon landing in a state unfit to be admitted in a respectable house".⁶⁸ There was hardly an over-generous supply of clothes for the voyage. Each prisoner received one jacket, one sinew shift, one pair of stockings, one handkerchief, one cap, one pair of shoes, two petticoats, and one check apron.⁶⁸ This was not an isolated case. Many of the men on the Isabella Watson had to land in the colony "in a tattered condition, and several without shoes"⁷⁰, while the surgeon superintendent of the male transport the Navarino asked permission to issue clothes marked for use on arrival as those given to prisoners for use on the voyage were in a very bad condition.⁷¹ English prisoners were allowed to retain their clothes but the Irish were deprived of theirs and had to rely solely on prison clothing. It had been found that Irish criminals normally possessed only filthy

68. GO 33/38 Franklin to Russell, 17 April 1841.

69. C.S.O. 16/81 J. Palmer to Franklin, 10 August 1841.

70. GO 33/43, Franklin to Stanley, 6 October 1842.

71. C.S.O. 16/8/268.

rags unfit for use, which was not so much the case in England.⁷² The prison clothing provided to replace their rags was often of a very inferior quality, "not calculated to last during the voyage."⁷³

A more serious problem arose from the large number of children aboard Irish transports. James Burn, the surgeon superintendent of the Mary Ann, had to issue extra rations to nursing mothers and to clothe the children from hospital furnishings, as most were in a state of nudity.⁷⁴ Franklin objected to the expense of supporting children of convict parents. He complained that "there were no less than thirty very young children" on the Mary Ann who had to be admitted into the Queen's Orphan Schools "where they must remain for several years at a charge of £10 each per annum to the British Treasury".⁷⁵ James Palmer, the Superintendent of convicts in Ireland, disagreed strongly with Franklin. He replied that it had been a practice, sanctioned by the chief secretaries for twenty years, to order children under ten to embark

72. GO 1/44 J. Manners Suttor to James Stephen, 4 November 1841.

73. C.S.O. 16/7/232 R. Bower to J. T. Boyes, 9 August 1842.

74. C.S.O. 16/5/7384 J. Burn to Colonial Secretary, 31 March 1841.

75. GO 33/38 Franklin to Russell, 17 April 1841.

with their parents. Not only was it a humane regulation never objected to by the New South Wales government, but it should eventually save money as the children without proper education or parental control would become culprits themselves, involving the future expense of prosecution and final transportation.⁷⁶ The Home government continued to allow children to accompany their parents, some 516 arriving on Irish female transports alone.

This policy resulted in some unfortunate consequences. Very few deaths occurred on Irish transports during the voyage to Van Diemen's Land. Less than two per cent of both men and women sent from Ireland after 1840 died. But twenty-two women and many of their children on the East London and Greenlaw lost their lives. Those on the Greenlaw, which arrived in 1844, suffered a great deal due to the sudden change of diet. A report prepared by the principal medical officer suggested "that in future a supply of preserved Potatoes and preserved Meats be put on board all Prison Ships from Ireland. The Convicts transported from thence being accustomed for the most Part to vegetables and milk diet."⁷⁷

76. C.S.O. 16/122

GO 1/44 J. Manners Suttor to James Stephen, 4 November 1841.

77. GO 33/48 Wilmot to Stanley, 16 July 1844.

Seventeen of the 133 women on the East London died, as did sixteen of the forty-nine children aboard. The surviving children arrived in such a sickly state that it was expected that over half would perish.⁷⁸ A board of medical officers inquired into the high mortality rate on the East London. They found the deaths were due to scurvy and to the exceptionally long voyage, the ship having taken 133 days to reach the colony. The prisoners had "obstinately" refused the rations of pea soup, cocoa, tea, puddings and lime juice during the first part of the journey thus weakening them. The filthy habits of the women also contributed to sickness. Although the decks were cleaned thoroughly during the day the convicts used them at night as toilets. Every attempt to prevent this failed.⁷⁹ It was implied that such behaviour could be expected from the Irish. At least one other transport from Ireland had been found in a state of uncleanness. The accommodation in the Hope which carried 136 female prisoners and forty-one children from Dublin "was not

78. C.S.O. 16/11/388 J. Clarke to Colonial Secretary,
24 October 1843.

W. Dermer to J. Clarke, 2 October 1843.

79. *ibid.*, Report Board of Medical Officers, 5 October 1842.

conspicuous either for neatness or cleanliness".⁸⁰

John Clarke, the Inspector General of Hospitals, was dissatisfied with the findings of the medical board. Scurvy was so unusual on convict ships and other Irish prisoners had faced equally tedious voyages without suffering the disease that he believed other reasons should have been given. "The fact is and it ought to have been reported", he wrote, "that a Majority of these convicts on the "East London" were from districts in Ireland where these Articles of Diet are unknown and consequently rejected when offered". The women would have willingly exchanged them for their favourite oatmeal with a little salt, butter or potatoes. In future a "Scale of Diet more in accordance with the habits and wants of this particular class of Convicts" should be adopted. Clarke agreed that there was difficulty in preserving cleanliness on Irish transports, but he could not help but think that if a strict and stern discipline had been in the first place imposed "these shameful violations of decency would not have prevailed". He concluded that infants of a tender age ought not to be

80. C.S.O. 16/7/232 N. Nain to Colonial Secretary, 10 August 1842.

the victims of transportation. If the system continued it would be, in effect, infanticide, as any trip of such length could cause the deaths of at least three-quarters of the children.⁸¹ It appears no action resulted from either of the reports.

Action was taken in regard to an attempted mutiny on the Isabella Watson. Fifty-six men had to be ironed for part of the voyage. Franklin ordered an immediate enquiry and twelve men were committed for trial before the supreme court. The ringleader, Richard Jones, transported for being a member of a secret society, had asked Hugh Gafney, tried for stealing arms, to help in taking the ship. Others became involved but Patrick O'Hara, serving a life sentence for administering an unlawful oath, "Gave information of the Conspiracy". Fortunately for the twelve charged with piracy the powers of the local government with reference to offences committed on the high seas were in doubt, and they were acquitted.⁸²

81. C.S.O. 16/11/388 J. Clarke to Colonial Secretary, 9 October 1843.

82. GO 33/43 Franklin to Stanley, 6 September 1842.
C.S.O. 16/52 N. Nain to Colonial Secretary, 5 August 1842.
C.S.O. 22/30/1084 W. Price to Chief Police Magistrate, 11 August 1842.
Con 33/26.

Again an informer enabled the authorities on board the Navarino to crush a proposed uprising. Five men were chained and the ringleader, Richard Jennett, an eighteen year old weaver transported for stealing lead in county Down, was punished with three dozen lashes.⁸³

Four male convicts from Ireland found themselves in the unusual position of being asked whether they would like a retrial or not. They had all been tried in Limerick, convicted of highway robbery and shipped to Van Diemen's Land aboard the Cadet in 1844. A challenge to their jurors had been overruled but should have been allowed. They were given the option of being brought back from Van Diemen's Land to sue out a writ of error. The Secretary of State, Lord Stanley, stressed that it should be distinctly explained to them that they would most probably be retransported.⁸⁴ Three of the men accepted the offer and returned to face a retrial.⁸⁵

Some of the Irishmen serving English or overseas colonial sentences or terms given in Irish courts came indirectly to the colony via Norfolk Island. They were

83. Con 33/34.

84. GO 1/59 Stanley to Wilmot, 4 November 1845.

85. C.S.O. 20/26/563 Colonial Secretary to Comptroller General, 21 July 1846.

not "old hands" hardened by colonial conditions. They had been sent to the island to participate in Alexander Maconochie's new system of convict discipline based on marks for good behaviour. Maconochie's system failed, partly because of colonial hostility towards his ideas on indulgences. Governor Gipps in New South Wales, determined to break up the experimental station, ordered the transfer of the convicts to Van Diemen's Land. The government of Van Diemen's Land rejected any suggestion that these men should receive tickets-of-leave or conditional pardons. They were to be treated the same as convicts transported direct from Britain.⁸⁶

In 1844, after some delay, the Maitland and Duke of Richmond conveyed the prisoners to Van Diemen's Land. Three-quarters of the 388 convicts on the Maitland were Irish and their conduct on board was reported to have been good. A further thirty-six Irish arrived on the Duke of Richmond. Their appearance and state of health left a lot to be desired. On the Maitland 124 of the convicts were described as dirty and miserable and another

86. C.S.O. 16/5 Colonial Secretary N.S.W. to same V.D.L.,
 29 August 1842.
 Colonial Secretary V.D.L. to same N.S.W.,
 11 January 1843.
 Colonial Secretary N.S.W. to same V.D.L.,
 28 January 1843.

100 needed new clothes from the government. Prisoners from both ships appeared weak, those on the Duke of Richmond so much so that they could not undergo any very hard labour.⁸⁷

Also from Norfolk Island came Irishmen reconvicted in mainland colonies. Franklin had resisted the transfer of doubly-convicted felons from the island in 1841, arguing that they would cause an increase in criminal activity and bushranging. Port Arthur was not suitable to receive them and the new probation system would not have a fair trial if they were admitted. It was felt that an "injustice would be permanently inflicted" on the colony by making it the receptacle for "doubly, and trebly convicted offenders". Franklin decided, with the unanimous support of the executive council, not to receive the men.⁸⁸ The government of New South Wales countered these arguments by producing a table showing that 468 convicts had been transferred from Van Diemen's to that colony between 1803 and 1840.⁸⁹ The issue was

87. GO 33/47 Assistant Comptroller to Comptroller General of Convicts, 12 March 1844.

88. C.S.O. 16/5 Colonial Secretary V.D.L. to same N.S.W., 24 March 1841.
Colonial Secretary V.D.L. to same N.S.W., 12 May 1841.

89. *ibid.*, Colonial Secretary N.S.W. to same V.D.L., 28 May, 1841.

finally resolved in New South Wales' favour. Transportation to Norfolk Island was discontinued and convicts tried in New South Wales were to be sent to Van Diemen's Land to serve their sentences.⁹⁰ Distinctions were to be made between those who had originally come free to the colony and those serving their second term. The first had to be dealt with under the probation system while the others were treated the same as doubly-convicted prisoners tried in Van Diemen's Land.⁹¹

Again in 1844, shortly before Norfolk Island was transferred to the jurisdiction of Van Diemen's Land, it was proposed that 400 convicts still on the island be sent to the colony. Governor Wilmot could not comply with the request in deference to the feelings of the inhabitants of Van Diemen's Land, who had suffered severely from bushranging since the transportation of convicts from New South Wales.⁹² He was far from pleased that the colony "must be the final receptacle of most of

90. *ibid.*, Colonial Secretary V.D.L. to same N.S.W.,
27 September 1841.

91. *ibid.*, Colonial Secretary N.S.W. to same V.D.L.,
13 November 1841.
Colonial Secretary V.D.L. to same N.S.W.,
1 January 1842.

92. *ibid.*, Colonial Secretary V.D.L. to same N.S.W.,
12 February 1844.

the doubly convicted of New South Wales, who as a Class are far worse than any Convicts hitherto Known."⁹³ One hundred and ten Irishmen, all doubly convicted, arrived aboard the Lady Franklin in 1844 and the Governor Phillip in 1845.

Arrangements had been made for convicts tried in other parts of the British Empire to be sent to Van Diemen's Land after transportation to New South Wales and Norfolk Island ceased. It was established that only European convicts would be allowed to be transported from India and that the numbers were not to exceed fifty or sixty in any one year.⁹⁴ Fifty-six Irishmen came from various parts of India during this period. The Hong Kong courts were given permission to transport natives. In 1844 John Brennan, an Irishman who had been tried in Hong Kong for bestiality, arrived with six Chinese, one Malay and one Indian.⁹⁵ Most of the Irishmen tried in overseas colonies came in small numbers with one or two aboard each ship.

93. GO 33/52 Wilmot to Lord Stanley, 2 September 1845.

94. C.S.O. 16/7/256 J. Stephen to J. E. Tennent, 15 March 1842.

95. C.S.O. 16/26/583 Colonial Secretary Hong Kong to same V.D.L., 9 November 1844.

The Secretary of State, Earl Grey, informed Sir William Denison, who assumed command of the colony in 1847, that it was his intention to stop the transportation of male convicts for two years. He hoped that at the end of this period the probation gangs would be empty. He was not sure "whether any more Male convicts" would ever be transported again.⁹⁶ Three male transports from Ireland did arrive in 1846 and 1847 but two had left before Grey's decision. The Tory arrived in 1847 having left Dublin in November 1846, only a few days after Grey communicated his decision to the colonial authorities. The ship was fully prepared and on the point of sailing and was allowed to leave. Irish females continued to be transported in these years, four transports arriving in 1847 and 1848.

There is no doubt that most of the women transported from Ireland between 1846 and 1849 had suffered severely from the effects of the Great Famine. Many had been forced to exist by crime. It is more difficult to determine whether the men who arrived in 1846 and 1847 had been adversely affected by famine. Some had been

96. GO 1/63 Grey to Denison, 30 September 1846.

tried in 1845 before the famine took full effect. Their offences were not much different from those committed by Irishmen sent earlier. The majority of men on the Samuel Bodington which arrived in 1846 had been tried in 1845, mainly for ordinary larceny, stealing an animal, burglary and manslaughter. Those on the Lord Auckland had basically the same offences although a higher proportion had been tried for assault and ribbormism, crimes which could have resulted from distress. All the men on the Tory were convicted at a time when the famine began to cause widespread destitution. It is unlikely that many of these men escaped the effects of the famine.

When transportation of men began again in 1848 Earl Grey's exile system was introduced and it caused nothing but trouble between the Irish, English and colonial authorities.* The system failed almost completely in Ireland and the English government believed the anti-transportation movement, then in full swing in the colony, had gained in strength and purpose because of the failure. The Irish convict department's inability to abide by the regulations when selecting exiles was "exciting a strong

* For further information regarding the exile system and its implementation in Ireland see pp. 6, 68-70.

feeling of opposition in the Colony, which would materially interfere with the success of even the modified continuance of transportation.⁹⁷

But in Ireland it was impossible to apply the system, especially to those convicts transported in 1848 and 1849. The 300 prisoners aboard the Pestonjee Bomanjee had to be chosen for their good behaviour and the nature of their offence as no separate system of moral and industrial training, like that found in Millbank and Pentonville in England, existed. An added check on the character of individual prisoners was made by Constabulary Officers in the districts where the convicts committed their offences.⁹⁸ It was explained to Denison that a large accumulation of convicts due to the sudden suspension of transportation prevented any effective system of discipline.⁹⁹ In order to overcome these disadvantages great care and discretion should be exercised in selecting employers and the proposed arrangements for sending relatives of the prisoners to the colony "should not be

97. GO 1/75 H. Merivale to H. Waddington, 30 July 1849.

98. GO 1/71 Redington to G. Cornwall Lewis, 12 September 1848.

99. GO 33/66 Redington to Denison, 18 September 1848.

lost sight of". The Lord Lieutenant of Ireland, the Earl of Clarendon, particularly stressed the latter point, arguing that no boon could be offered to the Irish convict which would have so "beneficial effect on his future conduct". Family feeling existed to such an extent among these convicts that he could not "anticipate successful results from any system which does not contemplate ... the removal of the families ... to the Colony".¹⁰⁰ It would have been in the Lord Lieutenant's own interest to advocate such a policy. It might relieve the government of its responsibility of supporting at least some of the people reduced to destitution by famine.

Denison criticized the method of choosing the convicts aboard the Pestonjee Bomanjee. He issued them with tickets-of-leave as instructed but retained the majority in stations until they could be absorbed into the work force. Their short period of imprisonment worried him. Of the 300, 272 had been convicted in 1847 and four in 1848. Most now enjoyed the prospect of higher wages, much better than they could ever have hoped to earn in Ireland and every privilege of a free man. "I would submit", Denison said, "that the object of punishment

100. GO 33/66 Redington to G. Cornwall Lewis, 12 September 1848.

is in great measure lost sight of as regards these men ... They themselves, I am aware, from many expressions they have made use of, do not look upon their removal to this Colony as a punishment".¹⁰¹ Should this feeling be communicated to their friends at home, he added, there would be a great increase in offenders committing crimes for the express purpose of being transported.

Denison's complaints did not reach the English authorities in time to affect the selection of convicts sent aboard the Blenheim and Hyderabad in 1849. The difficulties of the Irish government had been seriously aggravated by an unexampled increase of prisoners "arising from the distress and destitution still prevailing".¹⁰² The criteria for selection of exiles had to remain the same as that practised in the case of the Pestonjee Bomanjee. A conscious effort to select proper persons as exiles was made by the convict department but no suitable penitentiary could be found to handle the training of the increased number of prisoners. Denison was asked not to put Irish convicts in places of difficulty or temptation because of their imperfect training.¹⁰³

101. GO 33/66 Denison to Grey, 31 January 1849.

102. GO 33/68 Redington to Denison, 19 May 1849.

103. GO 1/73 Redington to Denison, 19 May 1849.

The British government was informed of the selection procedures adopted in the case of the Hyderabad, provoking a critical reaction. Grey had, in November 1848, "earnestly urged upon the attention of the Secretary of State for the Home Department, the importance of making the best possible arrangements with a view to the efficiency of the reformatory punishment to be undergone" by Irish convicts before they were sent to the colony.¹⁰⁴ Now the Irish authorities were told that effective punishment must be provided in Ireland or the whole system would fail. Transportation from Ireland, instead of being a punishment, would otherwise be looked upon as a reward, "in as much as it will naturally resolve itself in the estimation of the people into merely gratuitous emigration". Grey urged the necessity of an improvement. He also explained that the colonial government could not select employers for convicts holding tickets-of-leave.¹⁰⁵ Despite these remarks the Hyderabad set sail for Van Diemen's Land with the same convicts aboard.

Grey's apprehensions were confirmed when he received

104. GO 1/71 Grey to Denison, 19 November 1848.

105. GO 1/75 H. Merivale to Waddington, 11 June 1849.

Denison's report on the convicts from the Pestonjee Bomanjee. He expressed himself "fully sensible of the evils which ... would be consequent upon the adoption of any permanent system of sending out convicts who had not previously gone through some due course of correction", adding that had he been aware of the circumstances the ship would not have been allowed to leave.¹⁰⁶ Grey warned the Irish authorities that the difficulties created by the number of Irish convictions "had better be met by providing increased means for the proper punishment of convicts before they are sent to Van Diemen's Land."¹⁰⁷ In future all communications addressed to the colonial government were to be first cleared by the appropriate department in England. Grey took exception to the reason given for the increase in prisoners. He believed it was not due to his suspension of transportation but to an increase in crime in Ireland.

The Irish government strongly defended their administration. T. Redington, on behalf of the Lord Lieutenant, stated that "Earl Grey does not seem to be aware of the

106. GO 1/73 Grey to Denison, 12 December 1849.

107. GO 1/75 H. Merivale to Waddington, 30 July 1849.

extreme difficulty which exists with regard to carrying out in this country an effective course of probationary punishment owing to the imperfection and deficiency of prison accommodation, ... and the unprecedented increase of crime consequent upon the destitution and sufferings endured by the lower classes during four consecutive years". Differences between English and Irish convicts made it unnecessary to apply the same criteria for selection. While many of the English were hardened offenders, most of the Irish committed crimes as a result of distress. Even the greater offences, such as assault and murder, often occurred because of the importance of land, which was regarded as the first necessity of life.* Such crimes were not considered by the people to involve the same degree of moral turpitude as they would in England.¹⁰⁸ Taking such differences into account they believed they could select proper persons to be sent to Van Diemen's Land as ticket-of-leave holders.

Redington could not argue conclusively that this system would not encourage the people to commit crime in

* See pp. 13, 16, 19-21 and Chapters II and III.

108. GO 1/75 Redington to Waddington, 27 June 1849.

order to be transported. Transportation had once been viewed with the greatest terror by the Irish because of their strong family ties. But where starvation awaited the unfortunate criminal this fear could not be expected to prevail.¹⁰⁹ No matter what the system of transportation it would not be an effective deterrent to crime while destitution and starvation caused by years of famine continued.

By 1850 the problems associated with the transportation of Irish convicts had forced a change in the exile system. Denison had been far from pleased with its results. It had "not produced so favourable a result as that under which the convicts have been compelled to work their way up to the indulgence of a Ticket of Leave through the various stages of Probation". He cited the examples of the prisoners aboard the Pestonjee Bomanjee and Hyderabad to support his case. The indolence of the convicts on the first ship had been "enhanced by the very facility of procuring a livelihood, and they have been led in many instances to resort to crime instead of steady industry". Those on the Hyderabad had not been

109. *ibid.*

subject to any training or discipline.¹¹⁰ The Comptroller General and Denison stressed the need for the adoption of a uniform and consistent system of discipline either in the Home gaols or in the Colony. Many convicts who had earned a ticket-of-leave felt aggrieved with those who received the same without any apparent probation, and, as in the case of the convicts from Ireland, after relatively short periods in prison. Denison informed Grey that the convict department was in a position to introduce a system of probation.

Grey accepted Denison's suggestion "that some proportion of the convicts sent to Van Diemen's Land might be reserved for a certain period of labour under the Government of the Colony".¹¹¹ In effect this meant that many Irish convicts would receive the benefits of the exile system in Van Diemen's Land, by a practice not markedly different from that introduced in the early 1840s. In accordance with this change in policy the Irish authorities were asked to maturely consider what circumstances the convicts should be placed upon landing in the colony. Where discipline had not been practicable

110. GO 33/68 Denison to Grey, 27 September 1849.

111. GO 1/78 Grey to Denison, 27 August 1850.

they would have to undergo some period of labour in the gangs. For this purpose information had to be compiled as to each man's length of time in prison and the nature of his punishment.¹¹²

Other Irish convicts arrived during these years. Six of the seven Young Irelanders (Terence MacManus, William Smith O'Brien, John Martin, Thomas Meagher, Kevin O'Doherty and Patrick O'Donohoe) sent to Van Diemen's Land came aboard the Mount Stewart Elphinstone or the Swift in 1849. William Smith O'Brien was the only one to refuse a ticket-of-leave and as a result was imprisoned. The rest were scattered over the island in different districts. John Mitchel, the last to arrive, had embarked aboard the Neptune at Bermuda with other Irish convicts who suffered terribly during the voyage. Mitchel took a ticket-of-leave but because of his health was allowed to reside in the same police district as John Martin. The Neptune had originally been despatched to the Cape of Good Hope but so much opposition was aroused there that it was finally sent to Van Diemen's Land, arriving in 1850. Nearly 200 of the prisoners on the Neptune were Irish. Many could not speak a word of

112. GO 1/78 Merivale to Waddington, 13 April 1850.

English and most were so shattered by hunger and hardship that all the deaths on board occurred amongst the Irish prisoners.¹¹³ Grey informed Denison that these men had more than ordinary claims to indulgence, "Much the greatest part of them consisting of persons who had Committed their first offence by stealing food under pressure of the Famine in Ireland". He directed that all except Mitchel should receive conditional pardons.¹¹⁴

Between 1850 and 1853 most of the men transported from Ireland came under the modified exile system. The British government agreed to allow the Hyderabad to carry 300 convicts to Van Diemen's Land to work in probation gangs. But even under the modified system of transportation Irish convicts could not be expected to be as useful as English prisoners. The Irish on the Hyderabad which arrived in December 1850 had been specifically selected for their ability for hard labour. Yet Grey told Denison that it "should be observed that the Physical energy of the Irish convict has of late years been ... affected by the Destitution" prevailing in Ireland. "It

113. John Mitchel, Jail Journal, Dublin, 1940, p. 170.

114. GO 1/75 Grey to Denison, 17 December 1849.

is probable", he continued, "that the amount of labour obtained from them in the Colony will not equal that exacted from English convicts".¹¹⁵

Of the 290 convicts aboard the Hyderabad, 287 arrived, three having died during the voyage. Denison, acting on what he believed were Grey's views, considered the case of each convict separately. Two hundred went to work at Probation stations, sixty-nine received tickets-of-leave, six were detained for a short period at the prisoners barracks and twelve, whose conduct had not been good, were transferred to the various stations on the Tasman Peninsular. The arrangements appeared to work satisfactorily; "the men at the Probation Stations who at first were unaccustomed to work ... are improving daily, and the system of discipline ... will be far more effective in producing habits of industry and order than any which has hitherto prevailed in the Irish Prisons."¹¹⁶

The next group of male Irish convicts came aboard the London in March 1851. They had all served some time in Mountjoy Prison under the separate system and were considered good enough to qualify for tickets-of-leave.

115. GO 1/79 Grey to Denison, 2 October 1850.

116. GO 33/73 Denison to Grey, 19 February 1851.

This first real attempt by the Irish authorities to implement a system of reformatory punishment in the Home gaols failed. Denison regretted that "in reference to the whole of the Convicts, they are not ... likely to be for some time to come, any benefit as labourers, having no energy or inclination for labour of any description". This lack of energy prevailed to such an extent that they were disqualified from private service and several had to be placed on public works "with a view to giving them some notion of the labour which they ought to perform".¹¹⁷ The lack of mechanics amongst the prisoners also caused problems. The want of energy was again attributed to the "physical debasement of the lower orders" due to the famine, "a fact painfully manifested ... in every depot in Ireland".¹¹⁸

Because of the failings of the convicts aboard the London, the last of the male prisoners transported from Ireland on the Blenheim in 1851, the Lord Dalhousie in 1852 and the Lord Auckland and Rodney in 1853 were selected supposedly for their ability for hard labour. Most were not qualified to receive tickets-of-leave and so had to spend their time in probation gangs. The

117. GO 33/73 Denison to Grey, 6 May 1851.

118. GO 1/82 Hitchins to Redington, 22 November 1851.

convicts aboard the Lord Dalhousie were reported as being incorrigibly idle, worse then even those sent out in the London. Denison believed that the good effects "which a steady and consistent system of compulsory labour might be expected to produce upon the men, most of whom have been forced into Crime by idleness, cannot be expected from the system at present in force in Ireland."¹¹⁹

The convicts should be sent out as soon as they received their sentences as this would stop idle habits being ingrained into them by years of confinement in gaols in Ireland where the labour exacted was merely nominal.

Of the 339 men on the Rodney only five went out to private service. The rest, in accordance with instructions sent from Ireland, were placed upon various public works. For the first time Denison found some good qualities among Irish male convicts. The conduct of seventy-six of the men on public works was so good that they were re-classified and hired out to private service.¹²⁰ But except for these men the colonial government found, all through the operation of the exile system, that the Irish did not fit in; consequently they either caused

119. GO 33/77 Denison to Pakington, 30 September 1852.

120. GO 33/78 Denison to Pakington, 6 April 1852.

trouble or became a burden on the government.

By comparison hardly any trouble was experienced with Irish female convicts. Only with reference to the convicts aboard the Martin Luther which arrived in 1852 did Denison have any cause to complain. Nineteen women had to be put on probation because of misconduct during the voyage. They proved insubordinate to Miss Tyndal the Roman Catholic matron. But Miss Tyndal had been discovered to be totally unfit for the position because of the disclosure of her previous immorality. Her irregular proceedings caused so much trouble among the prisoners that the surgeon superintendent had to dispense with her services at an early period of the voyage.¹²¹

In 1852 the British government decided to gradually end transportation. Sir John Pakington explained to Denison that growing public opposition and gold discoveries in Victoria influenced the decision. Setting convicts free in the immediate vicinity of the goldfields would disarm transportation of its terrors.¹²² Newcastle gave the same reasons when informing the colonial government

121. GO 33/77 Denison to Pakington, 7 October 1852.

122. GO 1/85 Pakington to Denison, 14 December 1852.

in February 1853 that transportation was to be discontinued. It was also felt that no insuperable difficulty existed in finding room for the convicts in the prisons at home.¹²³ The last convict transport from Ireland, the Midlothian, arrived in Van Diemen's Land on the 24th February, 1853.

* * *

In all, a total of 14,492 Irish-born prisoners came to Van Diemen's Land during the convict era. Irish men and women accounted for twenty per cent of the 73,566¹²⁴ convicts transported to the island. By comparison thirty-six per cent of all prisoners sent to New South Wales had been convicted in Ireland alone.¹²⁵ This difference resulted from a decision, made when direct transportation to Van Diemen's Land commenced in 1818, to send all Irish transports to New South Wales. No convicts tried in Ireland came directly to the colony before 1840. All those who did arrive came as transferees

123. GO 1/87 Newcastle to Denison, 22 February 1853.

124. P. R. Eldershaw, op. cit., Appendix 4, Table 3, p. 63.

125. For actual numbers of Irish convicts sent to New South Wales see L. Robson, op. cit., pp. 89 and 130.

from Sydney. The colonial government faced problems peculiar to the Irish when transportation from Ireland began. Their prison clothing was discovered to be inferior, the number of children caused added expense, dietary scales had to be modified and the lack of energy of famine offenders meant that they were unable to undertake hard labour. Two mutinies had to be suppressed and doubly-convicted felons from New South Wales and Norfolk Island, many of whom were Irish, had to be accommodated.

But perhaps the most important aspect of Irish transportation was its effect on convict policy. The exile system was designed to counter the growing opposition to transportation and to attempt to get other colonies to accept convicts. It failed mainly because of problems associated with the Irish. In Ireland large numbers of prisoners and the lack of suitable gaols made it impossible to institute moral and technical training or a proper system of discipline. The exile system had to be changed to meet Irish requirements, as the Irish formed a significant proportion of the convicts sent during its operation. A probation system, similar to that introduced in the early 1840s, was initiated by Denison specially to handle Irish convicts. Apparently

it had beneficial effects in most cases, but how the Irish convicts fared in the colony will be the topic of the next two chapters.

CHAPTER V

COLONIAL OFFENCES

The purpose of this chapter is to examine the criminal behaviour of Irish convicts in Van Diemen's Land. Their police records are available in most cases, enabling a detailed analysis of their conduct in the colony. By the use of this material and of contemporary and historical opinion several questions relating to Irish behaviour can be answered. For example, did Irish prisoners behave better than convicts of other nationalities?, did their background have any influence on their reaction to colonial conditions?, what sorts of offences did they commit? and how were they punished?

Men and women transported from Ireland were less likely to be convicted in colonial courts than other prisoners. Contemporary writers found that they were generally well-behaved. In 1820 Governor Sorell informed Bigge that the worst and most useless and idle prisoners were those serving seven year terms. But Irish convicts formed a "perfect exception". Although mostly of short sentence

they were well-behaved and very industrious.¹ According to John West the Irish were the most "civil" prisoners,² and even the Young Irelander, John Mitchel, who lacked any sympathy with the convict class, had to admit that three "horrible convict cut-throats" transported from Ireland for seizing arms were not utterly bad.³

Robson discovered large numbers of Irish felons among the ten per cent of male convicts and twenty per cent of female prisoners never punished in the colony.⁴ Because of their colonial conduct he concluded that the Irish were perhaps less criminally inclined than English or Scottish offenders.⁵ In fact they behaved better than either Robson's conclusions, based on a sample, or his figures imply. Over three-fifths of the prisoners sent from Ireland had no offences recorded or had committed less than five minor crimes in the colony. As can be seen in Table 34, only twenty-six per cent can be regarded as

1. H.R.A. III, III, Sorell to Bigge, 26 May 1820.

2. J. West, History of Tasmania, Ed. A. G. L. Shaw, Sydney, 1971, p. 518.

3. J. Mitchel, Jail Journal, Dublin, 1940, pp. 285-286.

4. L. Robson, The Convict Settlers of Australia, Melbourne, 1965, pp. 92 and 130.

5. *ibid.*, pp. 93 and 130.

hardened or regular offenders, tried either for more than fifteen minor crimes or for a major offence resulting in retransportation, a long term of imprisonment or execution.

TABLE 34

Colonial Offences of Convicts Tried in Ireland %						
	None	1-4	5-15	16 -	New Term	Executed
Men	24	39	11	15	10	1
Women	28	35	11	21	5	-

Irish-born prisoners from other areas of the British Empire differed markedly from convicts tried in Ireland. They tended to conform in their colonial conduct to prisoners of other nationalities. As illustrated in Table 35 the majority had been punished over four times and only a few had no offences recorded.

TABLE 35

Colonial Offences of Irish Convicts Tried Elsewhere %							
Where tried		None	1-4	5-15	16 -	New Term	Executed
England, Scotland, Wales	Men	13	27	19	25	15	1
	Women	15	28	19	27	11	-
Overseas Colonies	Men	8	23	19	35	14	1
Australian Colonies	Men	18	30	14	21	14	3

Why did so many convicts from Ireland lead

relatively unblemished lives in Van Diemen's Land? Several reasons for their better conduct can be advanced. Being under strict discipline for shorter periods men and women from Ireland were less likely to infringe convict regulations. Compared to English and Scottish prisoners and other Irish convicts tried elsewhere many more had to serve only seven year terms. Short sentence prisoners could apply for a ticket-of-leave after four years but others had to wait six or eight years. Most of the Irish arrived after 1840 during the operation of the probation system. Under this method convicts worked in gangs graduating through the various stages of probation only by good conduct. Discipline was not as severe as in earlier years⁶, rewards for better behaviour were more certain and the use of flogging as a punishment almost ceased. Arthur had found flogging a "wholly ineffectual" means of discipline⁷, and in 1838 Governor Franklin informed the Secretary of State, Lord Glenelg, that great efforts had been made to decrease the use of the lash, instructions being issued to the stipendiary magistrates "to resort as little as possible to this mode of punishment."⁸ By

6. *ibid.*, p. 93.

7. GO 33/5 Arthur to Murray, 25 May 1829.

8. GO 33/29 Franklin to Glenelg, 30 July 1838.

1840 the colony's criminal code had been modified. As in England punishment for several offences had been changed from execution to imprisonment.* Thus Irish convicts were less likely to be punished as severely as other prisoners committing similar offences in the 1820s.

But the fundamental reason for their good behaviour lies in their character and background. They were not so inured to crime as other offenders. The majority of men were first offenders and most of the women had been tried during famine years. Many Irish convicts had been forced into crime in order to escape destitution or to protect their land. Others would have preferred transportation rather than the prospect of dying of starvation in Ireland. Men sent as exiles had been purposely selected because of their good conduct in Ireland, which in most cases continued in the colony despite Denison's and Grey's apprehensions. These prisoners can be considered basically honest. As Tables 36 and 37 show high proportions of Irish convicts tried during and after the famine caused little trouble to colonial authorities. Irish women transported to the island before 1840 were also generally well-behaved.

* See p. 4.

TABLE 36

Colonial Offences of Male Famine Offenders %

Date Arrived	None	1-4	5-15	16 -	New Term	Executed
1803-1839	13	33	26	14	11	3
1840-1845	15	41	14	16	13	1
1846-1849	29	39	9	15	8	-
1850-1853	37	36	3	15	8	1

TABLE 37

Colonial Offences of Female Famine Offenders %

Date Arrived	None	1-4	5-15	16 -	New Term	Executed
1803-1839	37	24	19	19	1	-
1840-1845	18	36	20	17	9	-
1846-1849	29	36	7	23	5	-
1850-1853	35	34	4	24	3	-

A close relationship existed between the place of trial and occupations of Irish convicts and their criminal activity in Van Diemen's Land. Prisoners from the rural areas of Ireland, in contrast to those tried in Dublin City or the cities of Munster, rarely appeared before colonial courts. Only eleven per cent of men and eighteen per cent of women from Dublin City were never punished. A third of the females and nearly two-fifths of the males from the same city either committed a major offence or were persistent criminals. This behaviour was consistent with their criminal backgrounds, most urban offenders having been in trouble before transportation.

On the other hand rural offenders usually observed the law in Van Diemen's Land. Over two-thirds of convicts from the counties of Cork, Tipperary and Limerick and the province of Connaught had less than five minor convictions or were never tried. Three-quarters of male farm labourers and female country servants can be similarly classified. Other occupational groupings had almost twice as many regular or hardened offenders.

It appears that convicts transported for crimes relating to rural agitation and those who committed offences in Ireland because of poverty or hunger adapted very well to colonial conditions. Men transported for ordinary larceny, burglary and assault and robbery and women convicted of vagrancy or ordinary larceny were more likely to commit crimes in the colony. Over a third of the male burglars and a similar proportion of both men and women transported for ordinary larceny were tried for more than fifteen minor offences or a major crime. Nearly two-fifths of the female vagrants can also be regarded as persistent criminals. Animal thieves, female arsonists and convicts convicted of crimes of violence or social and political offences reacted differently. Four-fifths of the women and three-quarters of the men tried for animal stealing either had no

colonial convictions or only between one and four minor transgressions recorded. Hardly any arsonists or men transported for violent crimes committed major offences. Seventy-seven per cent of social and political offenders led lives relatively free of crime in the colony.

The background of Irish convicts tried elsewhere also determined to some extent their behaviour in Van Diemen's Land. They caused more trouble to colonial authorities than the average convict. Only ten per cent of male prisoners and four per cent of female convicts transported to Van Diemen's Land appeared before superior courts.⁹ Yet Irish women from Britain had nearly three times as many convicted of serious crimes while the men were also over-represented among the major offenders. Colonial punishments would not have deterred from crime military offenders tried in overseas colonies, as they had already experienced a harsher discipline in the British army. The doubly-convicted felons from other Australian colonies tended to be hardened offenders, already inured to crime. Lancashire provided relatively more Irish tried for serious crimes in the colony than other areas of Britain.

9. L. Robson, op. cit., pp. 93 and 130.

Their bad behaviour was to be expected as they had the highest proportion of previous offenders. Convicts who had been temporary immigrants in Britain behaved better. Forty-four per cent of Irish farm labourers transported from Britain had less than five minor convictions and only twelve per cent, compared to twenty per cent of servants and labourers, were tried for a serious offence. As with the Dublin City convicts, British offenders who had been in trouble before transportation tended to lapse into crime again once in the colony.

The colonial authorities used a wide range of punishments to control the convicts. Often minor offences attracted only a fine, reprimand or before 1840 twenty-five lashes. Other punishments included solitary confinement, usually on bread and water, a period in the stocks or time on the tread wheel. Regular offenders or those tried for more serious crimes could be imprisoned with hard labour. Road and chain gangs, scattered throughout the island, handled male convicts. Female offenders sentenced to terms of imprisonment served their time in the house of correction. They were employed in picking, carding and spinning wool and horse hair and washing for colonial hospitals, the military barracks, the ordinance store and orphan schools. The women were

divided into three classes inside the prison. The wash-house yard contained females ready for assignment, the crime class yard was for those who misbehaved while in gaol and the probation yard for women who had undergone sentences in the crime class. Punishments within the gaol included solitary confinement in cells with work or in the dark on bread and water. Some women had been sentenced to have their hair cut off or to wear an iron collar, but these punishments were discontinued after 1840.¹⁰

Men convicted of serious crime in the colony, involving sentences of re-transportation or long terms of imprisonment, usually went to penal settlements. A few hardened criminals were also transferred to penal stations on Norfolk Island or in New South Wales. Discipline was strict and convicts were expected to labour unceasingly often in chains. The Commandant at Macquarie Harbour explained in 1827 to John Burnett, the colonial secretary, that he chiefly relied for discipline on corporal punishment and a gaol-gang, established for "bad and incorrigible characters who are always worked in to

10. C.S.O. 22/50/208 Examination Superintendent female house of correction, Hobart, 8 December 1841.

Double Irons". The work entailed felling pine logs, rolling them into the water and floating them to the settlement where they were used for the construction of vessels and furniture. The locality often prevented escape, "the skeletons of many Runaways" being found about the coast.¹¹ Escape was also difficult from the new station at Port Arthur. Dogs were placed every few yards across the narrow neck of land joining the peninsula to the mainland and signal stations were constructed at strategic points to notify of any escape. As at Macquarie Harbour hard labour in chains and flogging were the chief methods of discipline.

Examples taken mainly from the conduct records illustrate the variety of offences committed and the sentences imposed. They also indicate the kind of lives led by Irish convicts in the colony. Some of the men and women never punished were strongly recommended for indulgences. Thomas Trembull, transported from Ireland for sedition in 1815, was described as an "industrious honest man" who had "lived irreproachably" in the colony for ten years.¹² The principal superintendent

11. C.S.O. 1/264 T. Buller to J. Burnett, 30 June 1827.

12. GO 33/4 Arthur to Huskisson, 6 July 1828.

of convicts supported Barney Hill's application for a pardon as he was also an "honest and industrious man" who had no offences recorded after eleven years residence.¹³ Ellen Kenselagh, a fifty-four year old housekeeper from Carlow, managed to live fourteen years without offence,¹⁴ and William Campbell, an Irish farm labourer tried for forgery in Lancaster, was entitled to apply for a pardon after spending three of his eight years in the colony as a member of the field police.¹⁵ Other examples typify the kind of convict unlikely to cause trouble in the colony. No offences were committed by Owen Daly who stole potatoes in Cork during the famine, by Michael Duddy, a sheep thief and married farm labourer¹⁶, by Patrick Carty, an agrarian rebel transported in 1847 for appearing armed and assaulting a habitation¹⁷ and by Maria Lynch, a farm servant and arsonist from Roscommon.¹⁸

In their minor offences the Irish were similar to other convicts.¹⁹ Drunkenness, absence without leave and various forms of misconduct constituted the majority

13. GO 33/7 Arthur to Murray, 5 March 1830.

14. *ibid.*

15. GO 33/6 Arthur to Murray, 15 August 1829.

16. Con 33/92.

17. Con 33/94.

18. Con 41/8.

19. L. Robson, op. cit., p. 101.

of offences. The profligate character of many of the women was attributed to their fondness for liquor. They would leave a person with whom they lived in order to obtain drink from another.²⁰ Violence often occurred when liquor was available.²¹ But Irish convicts who committed less than five minor offences can be considered relatively well-behaved and law-abiding. Typical examples included Peter McCullon, transported for burglary in 1818, who was fined five shillings three times for drunkenness, and Lawrence Egan, tried twice for drunk and disorderly behaviour, who received the same fine.²² A labourer from Cavan convicted of stealing a watch was sentenced to seven days solitary confinement for drunkenness and had been reprimanded twice for disobedience of orders and absence without leave. Patrick Smith, a farm labourer transported for animal stealing, had four convictions spanning a period of five years. He was admonished twice for being out after hours, reprimanded for a pass infringement, and sentenced to an extra month's

20. H.R.A. III, III, Examination Assistant Surgeon Owen, 8 July and 15 April 1820.

21. ibid., Examination A. W. H. Humphry, 11 and 13 March 1820.

22. Con 31/6.

probation for having potatoes improperly in his possession.²³ Ann Cullen, who survived the shipwreck of the Neva, had two convictions, one for insolence and the other for indecent language.²⁴ Another woman, typical of those rarely punished in the colony, received three months imprisonment for misconduct, two months for being out after hours and a reprimand for absence without leave.

Some men had only been tried for very minor breaches of convict regulations. Patrick Brett, a shepherd tried in Longford in 1841, improperly employed a tailor while on probation to make him a jacket. His probation was extended two months.²⁵ Others made away with government trousers and boots and a few were reprimanded for appearing dirty in church or at muster. Other typical forms of misconduct and punishment included:

"Being in Launceston without papers Reprimanded".

"Refusing to work" twenty-five lashes.

"Insolence and being in a beastly state of Intox". Tread

22. Con 33/12.

23. Con 40/1.

24. Con 33/12.

Wheel ten days.

"Destroying his govt blanket - probation extended 2 mths".

"Neglect of work" - four days solitary confinement.

"Fighting & making a disturbance in masters premises".

Admonished.

"Not performing his tasks". One month hard labour.

"Riding a cart without Driver on foot fined 10/-".

"Refusing aid and assistance to Constables". Reprimanded.

"Persuading two of his fellow servants to find fault with their provisions & to abscond". Twenty-five lashes.

Well-behaved convicts often became constables and many Irishmen joined the police force. Fourteen lost their jobs because of bad conduct. Thomas Bathurst was finally dismissed for neglect of duty after four previous convictions for the same offence. In each case a fine of 40/- had been imposed.²⁶ Another Irishman jeopardized his position in the field police by allowing a prisoner to escape from custody. Drunkenness caused the dismissal of Stephen Broa and George Campbell²⁷ and

26. Con 31/1.

27. *ibid.*, Con 31/6.

was also partly responsible for the actions of William Fitzpatrick. He took a runaway prisoner to a "House of ill-fame" while drunk.²⁸ Peter Bolton was dismissed for a similar offence. He allowed seven prisoners in his custody to drink and smoke and was himself under the influence.²⁹

Many minor offences committed by females hardly deserved punishment. One woman who sold her petticoat was sentenced to six months hard labour in the house of correction. Another had to wear an iron collar twenty-eight days because of disorderly conduct. The aim of this punishment was to humiliate and degrade the offender and so deter her from crime. Other common infringements of Irish women included:

"Drunk and disorderly", fined 5/- and placed in the stocks four hours.

"Passing rum to prisoners", stocks four hours.

"Conveying spirits into Gaol - to forfeit gown piece in which it was conveyed".

"Absent without Leave". Three months hard labour.

28. Con 31/13.

29. Con 33/12.

"Idleness". One month wash tub.

"Refusing to work and insolence". Ten days solitary.

"Indecent language". One month hard labour.

"Out after hours". Six days solitary.

Sexual offences occurred frequently because of the many confirmed prostitutes sent to the colony and the disparity between the numbers of men and women. As late as 1847 women accounted for only thirty-two per cent of the island's population.³⁰ The principal superintendent of convicts told a board of enquiry into female discipline set up in 1841 that "In point of vice I think that the English, Scotch and Irish are much upon a par".³¹ Often when absent from their master's service women were found in common brothels. Females holding tickets-of-leave had been discovered frequenting disorderly houses where prostitutes were harbored or had actually lived on the town.³² This conduct resulted in a high rate of illegitimacy. Twelve per cent of females from Ireland and five per cent of Irish-born women from Britain had

30. Statistics of Tasmania, 1847.

31. C.S.O. 22/50/208 Examination Mr. Sproule.

32. *ibid.*, Examination John Price, Police Magistrate.

illegitimate children. Female convicts transported from urban areas could be expected to look after themselves better in this regard. They had an experience of urban life and vice not available to the unwary rural offender. Women who had illegitimate children in the colony had to spend six months in the house of correction after the child had been weaned.

Two per cent of women from Ireland were convicted of prostitution in the colony. At first sight this appears to be an improvement but many more appeared before the courts on other charges, not specifically as prostitutes. Usually these offences attracted harsh penalties as the following examples illustrate:

"Misconduct in having a Man under her bed in her Masters House ... 6 mths hard labour".

"Being under the Ostlers bed in her masters stable at about 4 a m this day for an immoral purpose she being then quite naked", six months hard labour.

"Misconduct in being out after hours ... with sailors 3 mos hard labour & it is recommended that she be reprieved of her T of Leave as she obt[ains] her living by prostitution".

"Indecent exposure", twelve months wash tub.

"Misconduct in having 2 women & 2 men in bed with her",

three months hard labour.

"Misconduct in being in an improper situation with a man", six months hard labour.

"Misconduct in being concealed in ... outhouse with a Soldier 6 mos hard labour".

Women convicted of prostitution were mostly found in brothels. Mary Carr who had spent seven weeks on the town in Ireland received six months hard labour for being in a "Common Brothel during divine service on Sunday", and Alice Brown, transported for vagrancy and who had also been a prostitute in Ireland, was sentenced to three months for "Misconduct in living in a common Brothel the worst in Hobart".³³ Elizabeth Fitzpatrick had been discovered with a man in her bed "for the purpose of prostitution".³⁴

Women were not the only sexual offenders. Some of the Irishmen made it their business to cater for the needs of society. Tim Cowan, sentenced by court martial to life at the Cape of Good Hope, was dismissed from the police because he kept a disorderly house.³⁵ Others had to serve sentences in prison for hard labour for running

33. Con 40/2.

34. Con 40/4.

35. Con 31/6.

brothels. Tim O'Brien, transported from Dublin City for larceny in 1846, received six months hard labour for "Keeping a common brothel".³⁶ Other typical examples of sexual offenders included:

"Gross Misconduct in being found in bed with a female prisoner in his custody", six months hard labour and recommended to be dismissed from the police.

"Being a Rogue and Vagabond by wilfully openly lewdly, obscenely exposing his person for the purpose of insulting females in a place of public resort", three months hard labour.

"Continuing to harbor Catherine Potaski & encouraging her to live with him after having been repeatedly cautioned by Rev Mr. Conolly not to do so"; to forfeit Ticket-of-leave.

"Indecent conduct in having illicit intercourse with a female ... near a public footpath in the Govt Paddock", three months hard labour.

"Found indecent situation with a female servant ... on the privy of the Castle Inn Public House", three months chain gang.

The "unnatural crime" of homosexuality, which was treated

36. Con 33/85.

as a serious offence in the colony, hardly existed among Irish male convicts. Governor Gipps of New South Wales found, when visiting the Norfolk Island penal settlement, that the crime prevailed almost exclusively among prisoners of English birth. The "Irish are (to their honour)", he reported, "generally acknowledged to be untainted with it".³⁷

Regular offenders among Irishmen spent a fair amount of their time in prison or received many floggings. Michael McDonald, transported from Dublin in 1818, was a typical example. He had over thirty convictions including "Fighting a pitched battle near Launceston" (fifty lashes), attempting to break into a house (six months in irons), violently assaulting a constable (100 lashes) and eight for drunkenness for which he usually had to pay a 5/- fine.³⁸ James Byrne, only fourteen years of age when tried for stealing silk in Dublin in 1841, compiled a record of nineteen convictions before he was finally freed in 1850. He received fifteen stripes on the breech in 1842 for maltreating a fellow boy, three months hard labour in 1846 for absence from work, the same sentence for

37. C.S.O. 16/5 Gipps to Lord Stanley, 1 April 1843.

38. Con 31/9.

idleness and insolence in 1847, thirty-six lashes for an assault on a constable and nine months hard labour in 1848 for misconduct in having government leather improperly in his possession.³⁹ Another male convict from Ireland was tried eighteen times during a five year period. Some of the charges were refusing to work (admonished), appearing very dirty (probation extended two months), absent without leave (sentenced to six months hard labour) and refusing to perform his tasks on ten occasions (four reprimands and eight months imprisonment).

Irishmen from other areas of the British Empire who offended regularly had similar records. One man transported from Meerut in India for desertion appeared before the courts twenty times. He had ten convictions for drunkenness and others for misconduct, idleness and absence without leave. John Harrison, tried in Lancaster in 1838 and sentenced to seven years for stealing brushes, was convicted nineteen times. Among his offences were trying to escape from gaol (five days solitary on bread and water), misconduct (two months hard labour), absconding (six months hard labour), having tobacco in

39. Con 33/12.

his possession (one month in chains), and having a counterfeit sixpence (one month hard labour).⁴⁰ An Irishman tried in York in 1836 for stealing a pair of boots had offences ranging from larceny under £5 (six months hard labour in chains) to idleness and insolence (twelve lashes).

Examples of major offences incurring sentences short of retransportation or imprisonment in penal settlements illustrate how far the courts were prepared to go in protecting property and the leaders and upholders of society. John McAleer, a perjurer from Tyrone, received a sentence of nine months hard labour in chains for "Being drunk & having a quantity of wine secreted Corresponding to some which had been stolen from his master's store."⁴¹ A Dublin offender refused to submit to a search by a constable and was sentenced to 100 lashes. Bernard Carring, transported for forgery from Donegal in 1818, received 200 lashes for improper conduct and highly disrespectful language to Lieutenant Cuthbertson.⁴² For stealing a pair of trousers Thomas Byrne was sentenced to six months in the gaol gang and fifty lashes. Other

40. Con 31/22.

41. Con 33/3.

42. Con 31/6.

examples included:

"Attempting to bribe", fifty lashes.

"Breaking into a Cell in H. M. Gaol supplying Isabella Thomas with spirits and stealing from her also stealing an Iron wrench property crown 100 lashes 6 mths gaol gang".

"Suspicion of stealing", returned to the road gang for twelve months.

"Gross misconduct in preferring a malicious and unfounded charge of felony agt his Mistress thereby causing her to be apprehended & detained in custody". Nine months imprisonment.

"Residing in Hobart contrary to orders". Six months hard labour.

Drunkenness was very common among Irish women convicted many times in the colony. Mary Bailey, tried in Liverpool in 1843 for stealing from the person, had twelve convictions, six of them for drunkenness. Her punishments included ten days solitary confinement, a fine of 5/- and three months hard labour.⁴³ Another Irish woman from London, transported for stealing two

43. Con 31/1.

bundles of clothes from a child, received similar sentences for seven offences involving liquor. Margaret McCauley, sentenced in Antrim to seven years transportation, was charged with over twenty-five offences between 1822 and 1828. She had been found drunk and disorderly at least twenty times. No punishment seemed to break her habit. She was imprisoned several times, sentenced to the stocks on three occasions, placed in gaol on bread and water for fourteen days, ordered to leave Launceston and compelled to give sureties which she immediately infringed, for her good behaviour.⁴⁴ The conduct of many urban offenders was typified by Margaret Murphy from Cork City. She was convicted fifteen times, mainly for drunkenness and disorderly behaviour. But she also received fourteen days hard labour for obtaining her living by prostitution and was reprimanded twice for being out after hours.⁴⁵

Men sent to penal stations were mostly hardened and dangerous criminals almost impossible to reform. They had usually committed serious crimes in the colony and often had other colonial convictions. John Begley, tried in Dublin in 1818 and sentenced to seven years, was

44. Con 40/1.

45. Con 40/7.

typical of those confined in penal settlements. In 1820 he stole a whale boat and absconded from Hobart. For this offence he received 200 lashes and was transferred to Newcastle in New South Wales. He was convicted again on his return for assault, being sentenced to 100 lashes and to imprisonment at Macquarie Harbour. There he received a further 100 lashes for various offences including neglect of duty and violent conduct.⁴⁶ In 1818 Thomas McCarty was tried for burglary and sentenced to three years at Newcastle and 200 lashes.⁴⁷ Martin Callaghan was transported to Port Arthur for stealing nine bushells of wheat⁴⁸, and Charles McDonald was sentenced to seven years, four to be served at Port Arthur, for stealing a boat. McDonald had sixteen convictions ranging from violent assault to absconding.⁴⁹ Other offences regarded by the courts as serious enough to warrant imprisonment in penal settlements included:

"Stealing promissory notes value £45", 100 lashes, sent to Macquarie Harbour remainder of sentence.

"Entering a dwelling house by force, steal^g ferry boat, illegally at large" - life, transported to Norfolk Island.

46. Con 31/1.

48. Ibid.

47. Con 31/6.

49. Con 31/9.

"Absconding, robbery house" - 200 lashes, sent to Macquarie Harbour.

"Stealing piece calico" - fifty lashes, sent to Newcastle.

"Absconding". To serve two years hard labour in chains at Port Arthur.

But not all those sent to Port Arthur committed major offences in the colony. Some were educated convicts and others incorrigible offenders. The courts finally lost patience with one Irishman convicted eleven times. He had received nearly 250 lashes for offences such as possession of stolen property, leaving employer, going into Hobart without permission, drunkenness and using leather for making boots which had not been issued to him. He had also been sentenced in 1829 to fourteen years for receiving a quart of wheat knowing it to be stolen. In 1835 he was removed to Port Arthur and employed at his trade as a shoemaker after being found gambling on the Sabbath. Another man acquitted of pilferring was so strongly suspected of committing the offence that it was recommended that he should be sent to Port Arthur to work at his trade. Henry Connolly, tried in Middlesex in 1820, and sentenced to fourteen years, had twenty-six convictions, fourteen for drunkenness. In 1832 he was

transferred to Port Arthur as an incorrigible drunkard.⁵⁰ William Rohan can also be regarded as typical of persistent Irish offenders finally imprisoned in penal settlements. Tried in York in 1839 and transported for seven years for stealing a coat, remarks in his record included "This man having committed 22 offences was sent to Port Arthur under a sentence of 12 mos - he was found to be incorrigible - his cond^t has been of the worst description - he is idle - worthless - very dirty & vicious - also insolent & disobedient. It will be necessary to pay strict attention to him".⁵¹

After 1840 convicts often had their term of transportation extended for major offences, but usually not by more than two years. This punishment replaced the lash as the main method of discipline. Male convicts served their extra time either on probation or in gaol and road gangs, while most of the women went into the house of correction. Michael Costello, a typical example, was tried in 1843 for insubordination and refusing to go to work. His term of transportation was extended twelve months.⁵² Michael Hargrave, a sweep tried in Dublin City for stealing blankets, sheets and a

50. Con 31/6.

52. Con 33/12.

51. Con 33/1.

carpet, received the same sentence for assaulting his overseer.⁵³ Mary Bailey, a native of Belfast transported from Liverpool for stealing from the person, was imprisoned two years for assault and robbery.⁵⁴ For insubordination Margaret Doyle from Dublin City received an extra twelve months hard labour.⁵⁵ The offence of larceny under the value of £5 also usually attracted an extra term of transportation.

The Irish appear to have been particularly prone to absconding especially during the early years when they were not so much under the watchful eyes of convict department officials. The offence was always treated as a serious crime in Van Diemen's Land. Walter Archibald, sentenced to transportation for life in Dublin in 1816, was punished with six months in irons and 100 lashes for absconding into the woods in 1825.⁵⁶ Charles Curran had eight convictions for attempting to escape and absconding. In all he received 700 lashes and nearly two years imprisonment.⁵⁷ One man was sentenced to the gaol gang for only threatening to run away after being told that he would be confined at nights in the watch-

53. Con 33/58

56. Con 33/1.

54. Con 41/1.

57. *ibid.*

55. Con 41/33.

house because of his bad behaviour. Edward Breen, tried in Lancaster in 1829 and transported for seven years for stealing ten yards of calico, absconded four times and was sentenced to four and a half years hard labour on the roads or in the chain gang. He was also flogged publicly in front of the hulk gang in which he had to serve the remainder of his sentence.⁵⁸ Another Irishman who concealed himself aboard a ship was sent to Port Arthur. Convicts who absconded after 1840 had their terms of transportation extended. Patrick Crilly was a typical example. Only sixteen when transported from Louth in 1847 for stealing a cow, his sentence of seven years was extended by over three years because he absconded four times.⁵⁹ A few women also attempted to escape. One Irish female absconder was imprisoned and ordered to wear an iron collar for one week and to sit in the stocks for three two-hour sessions.

A few made good their escape. Redmond Burke, transported for life from Clare in 1815 was in 1831 committed to trial before the Supreme Court on a charge of sheep stealing. But he managed to escape, his record simply stating that he "run".⁶⁰ Two Irishmen were among

58. *ibid.*

59. Con 33/92.

60. Con 33/1.

the eighteen convicts who "piratically" seized the colonial brig Cyprus and absconded from Van Diemen's Land in August 1829.⁶¹ Another five reached New South Wales, two having escaped from Macquarie Harbour.⁶² Patrick O'Connor, a native of Galway tried in Adelaide in 1850 for highway robbery, absconded from his master's residence in 1853 with another convict. They stole two double-barrelled guns and shot a man. The inhabitants of the Circular Head area offered a reward of £100 but the two men had seized the Sophia and sailed to Victoria where they caused havoc, committing "great atrocities" in the country between the gold fields and Melbourne and killing a cadet in the mounted police. In October 1853 they were finally caught and executed in Melbourne.⁶³ The successful escapes of two of the seven Irish exiles in 1852 and 1853 also embarrassed the colonial government.

Absconding attracted harsh penalties because of the danger of bushranging. It was difficult to live off the land in Van Diemen's Land without resorting to armed robbery and anyone who escaped from a penal station had no option but to become a bushranger. As early as 1807

61. GO 33/7.

62. GO 33/21.

63. C.S.O. 24/235/9086.

the Launceston commandant, William Paterson, expressed the sort of fear held by all colonial governments at the prospect of large numbers of absconders roaming the woods. He informed the under-secretary that ten prisoners had escaped and it was "much to be dreaded that they will become a desperate and dangerous Banditti."⁶⁴ In many instances these fears became reality. So great was the problem of bushranging in these early years that Davey proclaimed martial law and Sorell and Arthur gave much of their time and energy in attempting to stamp it out. Arthur was by far the most successful, instituting drastic reform of the police in order to counter the bushrangers. But the problem continued to exercise the minds of colonial authorities throughout the transportation era. In the early 1840s and 1850s bushranging again became a major problem, fully taxing the police resources of the colony.

Irish absconders often became bushrangers. James Gordon, resident in the colony since 1814, expressed the view that the Irish had been accustomed to lawless

64. H.R.A. III, I, Paterson to Sullivan, 25 August 1807.

habits of Plunder."⁶⁵ John Brown, tried in Dublin in 1816 and sentenced to seven years, would have been one of those referred to by Gordon. In December 1817 he was tried for bushranging and stealing, receiving 150 lashes and a sentence of four years at Newcastle⁶⁶ Most bushrangers had the sympathy of the convict class and some Irish prisoners appeared before the courts for helping them. John Cowan was reprimanded in 1825 because he was suspected of being in contact with the Brady gang,⁶⁷ and Edward Carroll, who arrived aboard the Lady Nelson in 1810, committed two similar offences. In 1818 he was sentenced to hard labour in irons for six months and 100 lashes for aiding and abetting bushrangers and in 1823 he had to forfeit his ticket-of-leave for harbouring a bushranger.⁶⁸ Another Irishman received two years in irons for harbouring a convict illegally at large.

Many Irish bushrangers were executed for their crimes or killed by the police. Five members of Brady's gang who terrorized the colony between 1824 and 1826 were Irishmen who died violently.⁶⁹ Patrick Bryant, a

65. H.R.A. III, III, Examination James Gordon, 3 March 1820.

66. Con 31/1.

67. Con 31/6.

68. *ibid.*

69. H.R.A. III, IV, Arthur to Bathurst, 11 April 1826.

gentleman's servant and native of Kildare, who was transported from Kent as a capital respite, was executed for murder in 1826. James McCabe, a doubly-convicted prisoner transferred from Sydney to Macquarie Harbour in 1823, was a member of the original gang who escaped from that penal station in 1824. He was hanged in 1825. A labourer from Dublin, Patrick Dunne, managed to elude capture until 1827. In January of that year he suffered the supreme penalty for cutting and maiming two men.

Dunne's case is interesting. He was only transported for seven years, receiving a ticket-of-leave in 1821. In his memorial for mercy he accused Boyd, the principal clerk in the police office, of victimization. Dunne refused to pay Boyd a £2 bribe to put his name on the Sunday muster book while absent owing to bad health. He was later accused of two charges of cart and street robberies but was acquitted by the courts. Although acquitted Boyd described Dunne as a bad character and advised the magistrate to revoke his ticket-of-leave. The magistrate took Boyd's advice and Dunne remained in the prisoner's barracks. Even after another magistrate had examined Dunne's case and discharged him Boyd refused to issue him a pass, instead ordering a constable to take him to gaol where he spent four days. After

this treatment Dunne took to the woods, joining the bushrangers. He hoped that the "oppressive circumstances" which forced him to enter into such a life would be taken into account. Unfortunately Arthur was not moved, explaining "It is impossible to do anything for this poor man".⁷⁰

Arthur was not impressed by the behaviour of the convict class during Dunne's hanging or his funeral. Dunne was "so draped on this awful occasion as to impress the feeling that he was offered up rather as a Martyr" than as a criminal. Not only was there an exhibition made on the scaffold but the funeral was conducted with many "indecent marks of respect" which deprived the law of all its terms, and as an example "totally defeated the ends of public justice". An inquiry into the funeral and hanging was set up. It transpired that Dunne had a crucifix and beads in his hand and was hanged in a white dress with a cross on the breast. A procession followed his coffin to the cemetery where Father Conolly read the funeral service. The coffin had been paid for by the catholic community of Hobart, £3.15.0 being collected at the chapel before the execution. Irishmen

questioned at the inquiry stated that these kinds of proceedings were typical in the county from which Dunne came. No action was taken against any of the participants.⁷¹

In all sixty-one Irishmen and two Irish women were executed in the colony. Typical examples of the men included John Hogan and Denis Dwyer who absconded because of "a love of freedom" and shot a constable while illegally at large. Both were executed in 1848.⁷² Hogan had been transported from Madras for insubordination and Dwyer had stolen a pig in county Kerry. One famous Irishman executed was Alexander Pearse, nicknamed the pieman because of his habit of eating his companions during escapes from Macquarie Harbour.⁷³ Matthew McAbbey, tried in Down in 1819, was executed in August 1831 for absconding from the same penal settlement.⁷⁴ Murder was the most common offence of those Irishmen hanged. This was to be expected as most came after 1840 when lesser crimes were not so often punished by death. John

71. C.S.O. 1/10/135.

72. C.S.O. 24/42/1324, Con 33/65, Con 37/3.

73. Con 23/3, Con 13/2.

74. Con 31/1, Con 13/2.

Connell, transported for burglary from Cork in 1847, was sentenced to be hanged and dissected for murder in 1854.⁷⁵ Three men were executed in 1848 for shooting at James Kelly with intent to kill. Other offences serious enough to result in execution included:

"Assault with intent to murder".

"Putting in bodily fear".

"Arson".

"Rape" or "Ravishing".

"Infant Murder".

"Assault and Robbery".

"Stabbing".

"Unnatural crime with a goat".

"Steal^g two £20 notes".

Margaret Galvin was one of the two women executed. She was transported from Kildare in 1846 for perjury and had been a prostitute in Ireland for five years. She murdered her husband in 1862 and was sentenced to be hanged and dissected.⁷⁶ Mary Sullivan's case was not so straightforward. An illiterate nurse aged seventeen tried in Cork for stealing quilts, she received the death

75. Con 33/100.

76. Con 41/12.

sentence in 1852 for the wilful murder of Adeline Blackburn, a child of two years of age.⁷⁷ Doubt existed as to her sanity. Several Irish female convicts confirmed that she either told them she had been in the "mad house" or that they had often heard she "had been out of her mind". But the comptroller-general's department explained that no evidence of insanity was found during the voyage. A Board of Medical Officers found that she had never been under medical treatment in any hospital or establishment in Ireland. No other conclusion could be reached other than that she was of sound mind and the sentence was carried out.⁷⁸

Relatively few Irish men or women committed crimes warranting execution. The overwhelming majority of prisoners from Ireland had less than five minor convictions, usually for drunkenness, absence without leave and misconduct. They differed from other convicts in their criminal conduct in the colony, being generally well-behaved and law-abiding. Their background was so different from most convicts that it was reflected in their behaviour. Not being so inured to crime in Ireland

77. Con 41/33.

78. C.S.O. 24/201/7505.

they tended to be less criminally inclined in Van Diemen's Land than English or Scottish offenders. Only the convicts from the urban areas of Ireland can be considered similar to prisoners of other nationalities. On the other hand Irish-born transported from the rest of the Empire were over-represented among those convicts tried for serious offences in the colony. This was to be expected as most were previous offenders or doubly-convicted felons. All convicts who appeared before colonial courts committed similar types of offences and received similar sentences. But the Irish appear to have been prone to absconding and bushranging. Some were probably still bitter over grievances felt in Ireland. In the colony they also had to overcome several disadvantages, being mostly catholic, illiterate and unskilled. But the effect of these characteristics on their ability to integrate into colonial society will be the topic of the next chapter.

CHAPTER VI

INTEGRATION INTO COLONY

Apart from having to overcome the stigma of convictism Irish prisoners had to surmount specific disadvantages when trying to integrate into the community life of Van Diemen's Land. Problems arose because of their religion, occupations and illiteracy. Some managed to succeed in business or politics despite these difficulties but many others failed to adapt to colonial conditions, ending their lives in lunatic asylums or as imperial paupers supported by the government. Others left the island on the expiration of their sentences for the attractions of the goldfields in Victoria. This chapter will examine the problems faced by Irish convicts and discuss how they fared in the colony.

Throughout the transportation period convicts or emancipists of Irish birth constituted the bulk of the catholic community in Van Diemen's Land. Religious differences were important in the colony as catholics always seemed to be regarded as a distinct minority

constantly confronted by official and social prejudice. At first no provision was made to cater for the religious needs of catholic prisoners. Until the arrival of Father Philip Conolly in April 1821 they had to rely solely on Anglican ministers. Robert Knopwood, the first Church of England chaplain to serve in Van Diemen's Land, thought the protestant church could adequately attend to the needs of catholics. He told Bigge that the catholics in Hobart, who accounted for a third of the inhabitants, did not object to attending the church or to having their children baptized as protestants.¹ But the Launceston minister, the Reverend J. Youl, discovered the situation to be very different in that town. Asked if he found catholics reluctant to attend protestant worship he replied, "Universally, they would never do so, if they could avoid it".²

Official bias against the catholic church and catholic convicts continued well into the 1840s. Priests had no right to enter convict establishments and catholic prisoners had to attend protestant services. Father Conolly, although paid by the government, worked

1. H.R.A. III, III, Examination R. Knopwood, 3 April 1820.

2. ibid., Examination J. Youl, 27 April 1820.

under severe restrictions. He could only officiate at marriages between catholics and could celebrate mass only at places approved by the Lieutenant-Governor. Mass was confined to Sundays and to festivals observed by the Anglican church. He was also instructed not to interfere with the religious education of children in government orphanages. Catholic children in these institutions had to be taught the doctrines of the Church of England.³

Conolly could do little to improve the lot of his catholic congregation. Until 1833 his salary was half that of Anglican chaplains and his efforts to promote religion were stifled by the type of community he ministered to. "As things are", he wrote in 1824, "I certainly would not recommend any friend of mine to leave his country and comfort and a Virtuous people behind him, to labour and toil here, as I have done, for a perverse and wicked generation". He asked that no priests be sent to the colony unless they could speak the Irish language, as they would find it difficult to hear confessions without knowing that language.⁴

3. J. H. Cullen, The Catholic Church in Tasmania, Launceston, 1949, p. 10.

4. H.R.A. III, IV, Conolly to Poynter, 12 June 1824.

In several ways Conolly antagonized the catholic community. He quarrelled with Father Samuel Coote over who should be officially recognized by the government. Coote's sin was to "associate with some of the lowest class of Convicts" and to get the "most immoral Catholics ... to go about from house to house to obtain signatures in his favour".⁵ In 1834 an opposition group, the "Friends of the Roman Catholic Religion", criticized Conolly's ministry and raised £100 to pay for a new priest. They had witnessed a general decline in their religion owing to the total absence of religious education and the "unsatisfactory deportment" of Conolly towards his flock.⁶ According to Conolly one of the ringleaders in this conspiracy was Patrick Gormly, a tailor and public house-keeper, and an emancipated convict originally transported from Monaghan for burglary and robbery, whose memorial for a remission of sentence he refused to sign on account of his doubtful character.⁷ An unseemly row also developed over Conolly's claim to the ownership of land on which he had built the catholic church. This led to

5. H.R.A. III, IV, Poynter to Hay, 3 April 1826.

6. GO 33/16 Resolutions from a meeting of the "Friends of the Roman Catholic Religion", 20 January 1834.

7. *ibid.*, Conolly to Arthur, 29 January 1834.

conflict with Bishop Polding of Sydney who removed him from his position as Vicar-General. Conolly then instituted proceedings against Polding for libel, much to the dismay of Arthur. It was only after the death of Conolly in 1839 that the feud ended and that the land finally reverted to the Catholic Church.⁸

Ullathorne was directed by Polding in June 1836 to submit the needs of the catholics for more priests. Catholics accounted for more than five thousand persons, living mainly in Hobart, Launceston and the district of Richmond. They had lived in a state of "utter deprivation" as regards religious aids, "hence their crimes and disorders". Ullathorne argued that a zealous clergy would make property more secure, replace concubinage with marriage and diminish drunkenness "that paralysis of the colony". Five clergymen would be required to carry out these tasks.⁹

Father John Joseph Therry, after a long career in New South Wales, was one of the priests sent to Van Diemen's Land, arriving in 1836. He heralded a more

8. GO 33/21 Arthur to Glenelg, 2 February 1836.
GO 33/23 Correspondence relating to Polding and Conolly conflict, July 1836 and June 1836.

9. GO 33/23 Ullathorne to Colonial Secretary, 4 June 1836.

vigorous approach, leading the struggle to gain freedom of worship for catholic convicts.¹⁰ During his first visit to the female house of correction in 1838 he ordered the catholics not to attend protestant services. These orders were officially confirmed in 1839.¹¹ In January of the same year he visited Port Arthur and addressed the catholic prisoners. He left religious books to be distributed among them and the boys in the juvenile establishment at Point Puer. The attitude of the colonial authorities towards catholics was reflected in the actions of the commandant of Port Arthur. He allowed the books to be given to the mature prisoners but refused to send any to Point Puer as he feared it might "unsettle the minds of the Boys".¹²

The influx of convicts from Ireland after 1840, which resulted in a large increase in the catholic population on Tasman's Peninsula, forced Franklin to request the services of another priest. Franklin noted that a priest "of decided piety, of sound discretion, and Christian

10. W. T. Southerwood, Planting a Faith in Hobart, Hobart, 1970, p. 17.

11. E. M. O'Brien, Life and Letters of Archpriest John Joseph Therry, Sydney, 1922, p. 214.

12. C.S.O. 5/4489 Commandant Port Arthur to Colonial Secretary, 4 April 1839.

moderation would have it in his power to exercise a powerful influence in the moral improvement of this Class of Offenders". Such a minister was mainly required for the probationary agricultural farm established on the peninsula. An attempt had been made to segregate the new arrivals as the farm was cultivated entirely by Irish catholic convicts.¹³ Segregation of Irish catholics became increasingly difficult as large numbers of Irish prisoners continued to arrive.

At Port Arthur catholic convicts were required to attend protestant worship or face punishment. Richard Jones*, one of those implicated in the conspiracy to seize the Isabella Watson, was punished four times for refusing to attend divine worship. He received thirty-six lashes and was sentenced on three occasions to solitary confinement.¹⁴ Jones also wrote letters protesting about the lack of religious freedom to Therry and the judge who tried him for mutiny. Franklin, disturbed by these actions, called a special meeting of the Executive

* See pp. 81, 200, a classic village Hampden.

13. GO 33/38 Franklin to Russell, 10 July 1841.

14. Con 33/26.

Council to discuss the case. He believed there was a possible threat to prison discipline and security because Port Arthur contained some of the "most desperate characters". The members of the Council gave conflicting advice. A few thought that catholics should have religious freedom, but others said it was purely a disciplinary problem. They all agreed that Jones' letter to Therry should not be forwarded as it "would be made a means of agitation". Publicity was to be avoided at all costs. No further action was taken; the commandant at Port Arthur, in Franklin's opinion, had acted properly in punishing Jones.¹⁵

In October 1843 the prisoners took matters into their own hands. Two hundred catholic convicts claimed the privilege of non-attendance at the general place of worship as the service was contrary to their creed.¹⁶ One of the prisoners informed Father Therry that their repeated exertions, allied with the arrival of Lieutenant-Governor Wilmot, had stopped protestant persecution. "The lash can no longer be inflicted upon Roman Catholics", he

15. E. C. 4/8 Minutes Executive Council, 14 October 1842, pp. 85-87.

16. C.S.O. 22/90/1916 Commandant Port Arthur to J. E. Bicheno, 8 October 1843.

explained, "By which they have been heretofore compelled to apostasy from the Church ... of their forefathers."¹⁷

The commandant at Port Arthur, Charles O'Hara Booth, reacted quickly to catholic demands. Compulsory measures to enforce their attendance at protestant worship were dropped and he allowed them to occupy the schoolroom during divine service. Instructions were given that they should employ themselves in reading the Bible, but he would not allow any prisoner to read aloud, because prayers composed for that purpose would "Lose their Essence by Convicts repeating them".¹⁸ The Lieutenant-Governor supported these decisions and felt assured that no charge of inattention or disregard to the wants of the catholic convicts could be brought against the government, merely because of a sudden and unexpected outbreak among certain members of that church.¹⁹ Booth recommended that a pastor of the "Romish church" be appointed as soon as possible. It was decided to build a minister's residence at the settlement. John O'Halloran was chosen as a

17. C.S.O. 22/90/1913 O'Donnell to Therry, October 1843.

18. *ibid.*

19. *ibid.*, Colonial Secretary to Therry, 27 October 1843.

catechist, on the recommendation of Therry, with a salary of £100 per annum.²⁰

The official status of the catholic church in Van Diemen's Land received a boost with the appointment of Bishop R. W. Willson to Hobart. Free access was finally allowed to the various convict establishments²¹ and in 1845 Wilmot submitted Willson's proposals for additional clergymen to the Secretary of State, Lord Stanley.²² On his arrival in 1844 Willson had found only three catholic priests supported by the colonial fund. Three thousand catholic convicts distributed in thirty-five prisons or probation stations, were under the immediate control of the government. To cater for their needs seven more priests would have to be appointed. Willson argued that when the great mass of prisoners went to New South Wales religious aid had been provided in that colony, but no corresponding provision had been made now that they all came to Van Diemen's Land.²³ His submissions were

20. C.S.O. 22/90/1916 Colonial Secretary to Comptroller-General, 27 October 1843.

21. W. T. Southerwood, op. cit., p. 23.

22. GO 33/51 Wilmot to Stanley, 6 June 1845.

23. ibid., Willson to Comptroller-General, 25 February 1845.

successful. Within three years ten catholic chaplains were attached to the convict department.²⁴

Willson maintained cordial relations with other Christian denominations and with Governor Denison,²⁵ placing him in a sound position to extract concessions from the colonial government. In 1851 he suggested that four more priests were needed to serve catholic convicts when they left the permanent stations. Denison strongly supported this request stating that the catholics were almost totally neglected in comparison to protestant prisoners. He added that the main responsibility of the priests would be to watch over the convicts and their families, as many of the prisoners were married and had children.²⁶

Willson also had to contend with revolt within his own church. He had stipulated before his arrival that the diocese must be free of debt and that Therry must be removed. These conditions were not complied with and a long and bitter dispute arose over the debts accruing from the construction of St. Joseph's Church. Therry, as an

24. W. T. Southerwood, op. cit., p. 25.

25. ibid., pp. 35 and 37.

26. GO 33/73 Denison to Grey, 13 January 1851.

Irishman, received mass support against the English bishop and Irish politics and racial tensions aggravated the conflict.²⁷ Willson came to realize that his methods did not suit the lower class of Irish parishioners²⁸, most of whom were ex-convicts. He recommended in 1859 that an Irish bishop should succeed him as the church in Hobart was almost entirely Irish. It "would be an act of folly", he suggested, "to appoint others than Irish Bishops for priests and people who were Irish".²⁹

The proportion of catholics in the colony increased substantially during the 1840s mainly because of the large numbers of Irish convicts transported. Although the Great Famine caused mass emigration from Ireland relatively few free Irish settlers came to Van Diemen's Land. Even before 1845 there was little Irish immigration to the island. The cost of the passage was far too expensive.³⁰ By 1842 the catholic community stood at

27. T. L. Suttor, Hierarchy and Democracy in Australia, Melbourne, 1965, pp. 87-88.

K. J. Crowe, "Missionary Reformer", Honours thesis, University of Tasmania, 1965, p. 21.

28. *ibid.*, p. 31.

29. Quoted P. F. Moran, History of the Catholic Church in Australia, Australia, n.d., p. 276.

30. O. MacDonagh, "Irish Emigration to the United States of America and the British Colonies During the Famine" in R. D. Edwards and T. D. Williams Eds. The Great Famine, Dublin, 1956, p. 352.

4,492 out of a total population of 58,902. They almost tripled their numbers during the following nine years to 12,444 in 1851.³¹ Most of the increase came from the addition of Irish convicts as nearly ten thousand Irish catholic prisoners arrived between 1840 and 1853. In 1842 catholics accounted for only seven and a half per cent out of the population but this figure rose to nearly fourteen per cent in 1851. By comparison the proportion of Church of England adherents fell by nine per cent to fifty per cent during the same period.

Social discrimination against Irish catholic convicts continued to exist in Van Diemen's Land long after legal emancipation in 1829. Irish female prisoners, like Irish immigrants, found it difficult to find employment because of their religion. Denison asked in 1853 that "as small a proportion of Roman Catholics as possible should be sent out" as immigrants. He explained that as "nearly all the employers of labour, ... are Protestants, the interference of the Priests with their servants is felt to be both annoying and inconvenient." Several complaints had been made to him on the subject.³² Similar

31. Statistics of Tasmania, 1803-1854.

32. GO 33/78 Denison to Pakington, 1 April 1853.

difficulties had been experienced in hiring out Irish female convicts. In 1853 Denison stressed that there must be a pressing demand for labour "when Irish convicts, against whom strong prejudices are usually held here, find ready hirers". One hundred and thirty of the women aboard the Midlothian had been hired in one morning; "A Year or two ago, ten would have been the average number hired from an Irish Ship".³³

Catholic prisoners were discriminated against in other ways. In 1847 the church objected to section twenty-two of the regulations for hiring passholders. It was claimed that the rule forced the religious opinions of the employer upon the passholder.³⁴ Conflict also arose over who should conduct marriage services when one of the parties happened to be a convict. The case of William Gunter, an assigned servant, was typical. The protestant minister at Richmond, W. I. Aislahe, received Gunter's memorial for a marriage and proceeded to publish the banns. But Gunter wished to be married in the catholic church, as his bride was of that religion.

33. *ibid.*, Denison to Newcastle, 30 April 1853.

34. W. T. Southerwood, op. cit., p. 28.

Aislahe threatened to report the circumstances to the government, exposing as false Gunter's statement that he was a catholic. But Gunter was determined to have his own way and the couple were married by Father Thomas Butler. Aislahe's object in presenting these facts before the colonial secretary was to "prevent a recurrence of conduct so disgraceful, and so injurious to the cause of religion." His motive in opposing the marriage can be gauged from one of his statements. He reported that three days after the ceremony a child was born "to add to the Roman Catholic population of this colony".³⁵

Patrick O'Donohoe, one of the seven Young Irelanders, was accused, when he established the Irish Exile and Freedom's Advocate in January 1850, of setting up a paper which would act as an organ of catholics and oppose all other creeds. This he denied, but he did attack John Morgan, the editor of the Britannia, for his anti-catholic views. O'Donohoe claimed that Morgan was "no doubt, one of the descendents of those MERCENARIES whom the Saxon found ever ready to aid in his cruelties upon an unhappy Ireland.". He added that Morgan was probably delighted with the dispute between Therry and Willson as it afforded

35. C.S.O. 22/36/1170 W. I. Aislahe to Colonial Secretary, 26 September 1842.

an "excellent opportunity for lighting the torch of discord."³⁶

O'Donohoe at first attempted to remain neutral in this dispute. But Vicar-General Hall, a friend of John Mitchel, and Father Bond accused him of pretending to be a catholic. Hall had disrupted a meeting organized by Therry by changing the venue and electing himself as chairman. At the same meeting he had John Fogarty, a ticket-of-leave holder, confined in the watchhouse for insulting language and a breach of the peace. O'Donohoe attacked Hall bitterly, arguing that Hall filled his coffers by "upholding British Supremacy under the veil of Catholicity". He accused Bond of having a fling at the "unfortunate Irish".³⁷

These "unfortunate Irish" mostly remained part of the working class in Van Diemen's Land. Their occupations put them at a disadvantage for it was skilled men, particularly tradesmen, who were in demand in the colony. Tradesmen could usually command high wages on the expiration of their sentences or when holding a ticket-of-

36. Irish Exile and Freedom's Advocate, January 26 and April 27 1850.

37. *ibid.*, 9 March 1850.

leave. More appreciation of the type of skills possessed by Irishmen was shown during the early years. James Gordon, a farmer who arrived in the colony in 1814, found that some Irish labourers were good. But unfortunately they had been "accustomed to Distilling, and lawless habits of Plunder".³⁸ Irishmen sent in the early 1840s could not learn a trade in the probation gangs because of the type of work they had to do. Roadmaking, draining, fencing and cultivating land, procuring timber and building barracks were the main forms of employment undertaken by probation parties.³⁹ Thus the Irish remained unskilled. The overwhelming majority of men transported from Ireland as exiles faced similar problems. They had not been trained at any skill and in the colony they were fit only for unskilled labouring jobs in the towns or farm work in the country.

Female convicts usually worked as domestic servants in the colony, the most respectable among them being assigned to the best positions.⁴⁰ But it was found that

38. H.R.A. III, III, Examination James Gordon, 3 March 1820.

39. C.S.O. 16/10/329 Return of number probation parties, 1843.

40. C.S.O. 22/50/208.

country servants were useless in such employment. Denison explained that the delay in hiring Irish female immigrants was due not only to their religion but to the fact that they were for the most part "from the rural Districts of Ireland [and] are ... unfitted to engage in domestic service".⁴¹ A few managed to find positions in the country where they were more suited to the work.⁴² Irish female convicts would have had to overcome very similar problems. It is likely that those who found employment in the towns were relegated to the more inferior positions.

The lack of education of most Irish convicts compounded their difficulties. Denison claimed that it was hard to find suitable employment for Irish prisoners because of their ignorance. Grey took Denison's remarks seriously. He instituted an enquiry into Irish immigration hoping to find ways of improving their quality, thus offsetting to some degree the failings of Irish convicts.⁴³ But in an age of mass illiteracy being

41. GO 33/73 Denison to Grey, 1 November 1851.

42. GO 33/75 Perry to King, 2 January 1852.

43. GO 1/81 Grey to Denison, 16 June 1851.

unable to read and write would probably not have been a severe disadvantage. Although their lack of education effectively confined them to the working class most could at least secure regular employment. The majority would have improved their standard of living in Van Diemen's Land. As Russell Ward points out: "The brute fact that their standard of living at home was so much lower than that of the English must have tended to make them more appreciative of conditions in the new land of plenty."⁴⁴

At least some of the Irish convicts were able to obtain land in the colony. Bardnand Ward, who arrived aboard the Kangaroo in 1816, had by 1825 four bullocks, fifty sheep, forty bushels of wheat and £35 in cash. This qualified him for a grant of fifty acres.⁴⁵ Lachlan White, after serving his sentence of seven years, worked as an overseer to John Payne, growing in one year 1,700 bushels of grain on fifty acres. Having the necessary oxen and "implements of husbandry", and being a married and sober man, he was allowed a grant of fifty

44. R. Ward, The Australian Legend, Melbourne, 1970, p. 52.

45. C.S.O. 1/7765.

acres.⁴⁶ Patrick McCabe, transported for fourteen years in 1817 for highway robbery, had more difficulty in securing his grant of land. His first application in 1829 was rejected although he rented forty acres stocked with sheep and had notes valued at £81 and £70 cash. Arthur refused the request because he had no family and had been a prisoner, therefore he could not qualify for any further indulgences. Two years later McCabe successfully applied for a grant of 320 acres. During that time he had purchased sixty acres, having forty-five acres under cultivation and was able to produce receipts signed by the cashier of the Van Diemen's Land Bank for £86 and two notes valued at £40. He was also married by this time.⁴⁷

Perhaps the most successful Irish convict was Richard Dry, a protestant convicted in Dublin in 1797 and sentenced to life, and the father of one of Tasmania's premiers who became the first Australian Knight. When transferred to Port Dalrymple in 1805 he was appointed store-keeper, receiving a free pardon in 1809. He was given a grant of 500 acres in 1818 as a reward for his

46. C.S.O. 1/6273.

47. C.S.O. 1/9081.

service as a commissariat clerk. At this time Dry and his tenants were farming 300 acres and had nearly 4,000 cattle and 7,000 sheep. By 1827 his holdings had increased to 12,000 acres and he was one of the chief citizens of Launceston.⁴⁸ Denis McCarty, was another to have some success in the colony. Although described by Sorell as one of the most turbulent and insubordinate men in the settlement, he built a road from Hobart to New Norfolk in return for 2,000 acres of land. But the road was found to be in bad condition and Sorell refused to pay him. McCarty was unfortunately drowned in 1820.⁴⁹

But these men cannot be regarded as typical of the Irish convicts. Most Irish prisoners remained working men all their lives, often moving from job to job. Patrick Dunne would have been typical of those transported in the early years. After receiving his ticket-of-leave he entered a contract to saw timber at Stoney Point. Later he was employed at fence building at Austin's Ferry.⁵⁰ Martin Cash was another to hold several jobs

48. D. Pike (Ed.), Australian Dictionary of Biography, Vol. I, Melbourne, 1966, p. 328.

49. *ibid.*, Vol. II, 1967, p. 159.

50. C.S.O. 1/108.

before becoming a bushranger. First he was engaged at Norfolk Plains as a reaper, then at Fingal he worked as a dairyman for twelve months. He left this job at harvest time, to work at Cressy. After the harvest he did some fencing. When he absconded from Oatlands he found employment cutting spars and wood for the Hobart market.⁵¹ Other Irish convicts worked as permanent farm servants or in labouring jobs in the towns. Eneds Cullen, transported from Mayo in 1841 for perjury, had been employed as a farm servant for six years before being allowed to bring his family to the colony.⁵² Another Irishman had managed to buy a quarter of an acre of land with a house in Hobart. A convict named Isles, tried in Londonderry in 1843, was described by the assistant Police Magistrate at Sorell as an industrious and well-conducted man. He had saved £45 to pay for the passage of his wife and family to Van Diemen's Land.⁵³ Francis Whelan who was tried in Limerick in 1840 for assaulting a habitation found a job working as a servant to one of the

51. Martin Cash, The Bushranger of Van Diemen's Land,
Hobart, 1870, pp. 19, 21 and 44.

52. GO 33/63 Denison to Grey, 14 March 1848.

53. GO 33/69 Denison to Grey, 2 February 1850.

officers at the Brown River probation station.⁵⁴

Other Irish convicts were not so successful in the colony, adding to the large numbers of prisoners or emancipists immured in institutions. In the 1860s Van Diemen's Land had more lunatics, more orphaned, more prisoners, more invalids and more paupers than South Australia and Queensland together, although these colonies had two and a half times more population.⁵⁵ George Rice, tried in Drogheda in 1839 for burglary, was typical. He died at the age of eighty-two in 1883 while serving a prison sentence of seven days for vagrancy.⁵⁶ In 1867 John Cassidy, the overseer in charge of the Salt Water River farm, asked if John Buckley, an animal thief sentenced in Cork to ten years in 1846, could be retained at the station. Buckley, although a colonial pauper, was useful as a wheelwright and rough carpenter.⁵⁷ William Carey also fell upon hard times. He arrived in Van Diemen's Land in 1805 and was employed as an overseer in the George Town chain gang and later as a district

54. C.S.O. 16/116.

55. H. Reynolds, "That Hated Stain", Historical Studies of Australia and New Zealand, Vol. 14, No. 53, October 1969, p. 21.

56. Con 33/51.

57. Con 33/85.

constable. He married and fathered six children but by 1846 he was being supported by charity.⁵⁸ Other examples include Maria McGuire who was supported by the government because she was aged, infirm and blind, Thomas Evans who was placed in hospital because of disease and Mary Hamilton who at the age of sixty-one became a colonial pauper as she was incapable of earning her livelihood, having lived on charity.⁵⁹ At least eighteen Irish convicts were sent to the lunatic asylum at New Norfolk. Two Irish female convicts were still alive in 1909, and both claimed the old age pension.

A few gained advantages by apprehending bushrangers or by receiving money from friends. Henry Agnew was granted a free pardon and fifty sovereigns for his "praiseworthy conduct" in catching the bushranger Benjamin Ball.⁶⁰ Patrick Dolan was not so lucky. Although he applied for a pardon he only received a ticket-of-leave for apprehending a bushranger in 1840. Dolan had originally arrived in New South Wales in 1833 as a free immigrant and was employed as an overseer by Sir John.

58. C.S.O. 20/38/972.

59. C.S.O. 24/3/9.

60. Con 31/1.

Jamies for a salary of £50 per year. He formed connections with the prisoners under his command and was transported to Van Diemen's Land in 1837 for buying nine stolen cattle.⁶¹ In 1877 Mary Hogan, an ex-convict and illiterate nurse from Tipperary, asked for a sum of money deposited in the Comptroller's office in Hobart. On the eve of her departure from Ireland her friends raised £50 to give her a start in the colony.⁶² The residents of Cape Town subscribed £100 for the benefit of well-behaved convicts aboard the Neptune.⁶³ Apparently they made good use of the money. Several left the colony to go to South Australia and Victoria.⁶⁴

Many of the Irish convicts married in the colony or brought their families from Ireland. The colonial authorities thought marriage was "most reformatory" especially for female prisoners.⁶⁵ Thirty-two per cent of the single women tried in Ireland and eighteen per cent of those transported from England, Scotland or Wales were

61. C.S.O. 16/2.

62. Con. 41/12.

63. C.S.O. 24/134/4475.

64. GO 33/70 Denison to Grey, 3 May 1850.

65. C.S.O. 22/50/208.

married in Van Diemen's Land. Irishmen who applied for free passages for their families must have secured steady employment. Permission was not given unless they gave proof that they could support themselves and their families. A typical example was John Cassidy, a catholic farm labourer from Meath transported for malicious assault. His employer James Corrigan informed Wilmot that Cassidy had been in his employ for one year and had an "excellent character". He added that should Cassidy's family be sent to the colony he would guarantee that they would not become a burden to the colonial government.⁶⁶ The family of Cornelius Fitzgerald arrived in tragic circumstances. Fitzgerald had died by the time they reached the colony, leaving his five sons and one daughter £12/14/3 to be divided amongst them.⁶⁷ At least forty-seven Irish convicts asked for their families to be brought to Van Diemen's Land. Four of them were female prisoners. Mary Hanley applied for her two children in Cork and Catherine Cain asked that her daughter be sent from Queens.⁶⁸

66. C.S.O. 16/17 Corrigan to Wilmot, 27 November 1843.

67. GO 33/70 Denison to Grey, 8 May 1850.

68. GO 33/72 Denison to Grey, 6 December 1850.

The seven Young Irelanders led a relatively easy life while in Van Diemen's Land but caused many problems to Governor Denison. Denison was certain that they still had a "spirit of hostility to the Government" and would contribute to O'Donohoe's paper in order to advocate their cause and to launch attacks against the colonial authorities.⁶⁹ O'Donohoe was warned not to comment on governmental proceedings but Grey wanted much stronger action taken. Grey suggested that either his ticket-of-leave should be withdrawn or he should be required to reside at such a distance from Hobart as to render it impossible for him to run the paper.⁷⁰ Denison replied that his fears had been premature as no evil effect had arisen. It would have been impossible to stop O'Donohoe editing the paper, he argued, for even if he was transferred the government had no control over correspondence.⁷¹

At this time Denison would have been pleased at the support he received from the Irish Exile in his conflict.

69. GO 33/69 Denison to Grey, 29 January 1850.

70. GO 1/78 Grey to Denison, 12 July 1850.

71. GO 33/72 Denison to Grey, 25 November 1850.

with the anti-transportationists. O'Donohoe, in contrast to Mitchel, came out strongly in favour of the emancipists and convicts. His appeal to the Irish working class separated him from his fellow exiles who attempted to assist the anti-transportationists and dined with the gentry.⁷² "We may rightfully infer", O'Donohoe wrote, "that amongst those who have forfeited their freedom ... there might be found ... men of higher and purer morality, men of a nobler standard of heart and mind" than amongst the thousands yet uncondemned. He castigated the anti-transportationists for their "ridiculous language" in saying that Van Diemen's Land was a sink of corruption and a hell upon earth.⁷³ The question of transportation, he believed, should be set aside until the colony received free institutions and a representative government.⁷⁴

O'Donohoe was not averse to using Ireland as an example to support his case. He argued that the institutions of the British Empire produced by their very

72. R. P. Davis, "The Liberal Catholicism of Patrick O'Donohoe and the Tasmanian Crisis of 1850", Journal of Religious History, December 1969, p. 318.

73. Irish Exile, 2 February 1850.

74. ibid., 9 February 1850.

nature a "vast flood of criminality". The people were practically prevented by law from obtaining property or the means to supply their wants. In Ireland, he wrote, the "thinning of the population by artificial starvation is a grand policy".⁷⁵ The Irish Exile also printed articles dealing with home affairs, thus keeping alive Irish nationalism in the colony. The edition of the ninth of February 1850 carried two letters, one giving a brief sketch of Irish conditions and the objects and policy of the Irish confederation and the other stressing Irish nationality and calling for home rule. In March of the same year the Irish Exile reported a renewal of Young Ireland agitation. "Our hearts throb with fresh life and vigour", wrote O'Donohoe, "to learn that the spirit which was wont to animate the children of our poor old country is not dead."⁷⁶

Despite O'Donohoe's support Denison was forced to find a way to close the Irish Exile. Grey did not think that Denison's excuse for allowing O'Donohoe's editorship was valid.⁷⁷ Denison's chance came when O'Brien finally

75. *ibid.*, 9 March 1850.

76. *ibid.*, 30 March 1850.

77. GO 1/81 Grey to Denison, 1 April 1851.

accepted a ticket-of-leave and three of the exiles, including O'Donohoe, broke the regulations by meeting him secretly outside their districts. Although the police magistrates only admonished them he sent the three to serve three months hard labour on Tasman's Peninsula. To forestall any criticism by friends of the prisoners in the House of Commons he explained his action to Grey. Denison had originally pointed to the "inconveniences which would probably arise from the unusual privilege conferred upon these Prisoners." He regretted to say that his anticipation had been fully realised as the "Inhabitants of the Districts in which these men ... resided have looked rather to the conduct of the Government in conferring certain indulgences ... than to the character of the offences ... and their position has ... excited sympathy."⁷⁸ This sympathy extended even to police magistrates, who would usually give three to four months hard labour for the same offence that the prisoners committed. All had deliberately left their districts without leave and McManus had done so after he had been twice refused permission.

78. GO 33/73 Denison to Grey, 18 January 1851.

The escapes of McManus and Meagher in 1851 and 1852 and Mitchel in 1853 caused Denison to again criticize the way the political prisoners had been treated. The extraordinary indulgence granted to them had given rise to an opinion that they were "looked upon by the Government more as persons whose presence in England was not desirable than as men sentenced to death for an offence against society". He added "the Prisoners ... look upon it as a concession extorted ... by fear".⁷⁹ One magistrate asked that they be allowed to go all over the island in order to find work. He suggested that the system of keeping them in separate police districts would only irritate the public mind and lose forever the esteem and goodwill of the state prisoners. Denison, in reply, expressed his regrets that a magistrate should ever, even in appearance, palliate crimes fully meriting the extreme punishment. The object of their transportation was not to gain their esteem or goodwill but to hold out a "wholesome example" to others.⁸⁰ The remaining Young Irelanders finally received conditional pardons in 1854 and they all left the colony.

79. GO 33/73 Denison to Grey, 22 March 1851.

80. C.S.O. 24/273/5536.

Only a few Irish convicts made their mark in colonial politics. William Bailey, a native of Belfast and an anglican clergyman transported from London for uttering forged notes, became editor of the Hobart Guardian four years after his arrival in 1843. This paper advocated the continuance of transportation and presented a strong catholic viewpoint.⁸¹ It was accused by those against transportation of being a tool of the government.⁸² Bailey later became a convert to catholicism but any influence he might have exerted on colonial politics was lost when he went to New South Wales in 1858. James Gray was by far the most successful Irish convict to indulge in political activity. A protestant law student tried in Monaghan for subornation to perjury, he was also at one time editor of the Guardian. He helped O'Donohoe established the Irish Exile⁸³ and held several jobs in government service.

While employed as a clerk in the Convict Department he worked in unison with Denison in opposing the anti-

81. D. Pike, (ed.), op. cit., Vol. I, p. 48.

82. R. P. Davis, op. cit., p. 317.

83. ibid.

transportationists. When the anti-transportationists organized a meeting in 1852 to protest against a Victorian Act which would have prevented convicts holding conditional pardons from travelling from Van Diemen's Land to that colony Gray called a meeting for a similar purpose to be held the day before. J. Haller, secretary of the Southern Tasmanian Council of the League, believed the aim was to "inflame the passions" of the prisoners against the free colonists. Obviously biased against the prisoner or emancipist faction he characterized the speakers at the meeting as being a clerk in the Convict Department, a printer of a low newspaper, the Guardian, and three ex-constables, now publicans.

But according to Haller worse followed. At the end of the meeting Gray gave notice that he and his confederates would attend the assembly organized for the next night by the anti-transportationists. They completely took over this meeting with an "organized band of the lowest ruffians". A riot ensued and all "respectable persons" were driven from the building. Haller complained that these outrages by a "Convict Mob" had been acclaimed as the hour of popular joy and triumph. He asked the Secretary of State, J. S. Pakington, to stop a clerk in the Convict Department from issuing

inflammatory placards and from organizing convicts to disrupt by violence citizens' meetings. Denison was accused of conniving at these activities in order to stifle public opposition against transportation.⁸⁴

Letters were written by R. Lewis, J. D. Balfe* and G. Newes contradicting most of Haller's observations. Newes, an alderman of the city and the chairman at both meetings, defended Gray, stating that he was "much respected by a large number" of the citizens of Hobart.⁸⁵

Gray later became a member of the House of Assembly, representing both West Hobart and Sorell. He was described as an "ardent Irishman"⁸⁶ being a president of the St. Patrick Society in 1884 and a member of the Irish National League established in Hobart in 1885. He had supported representatives of the Irish National League sent from Ireland to Tasmania in 1883 to collect funds.⁸⁷ Gray represented to parliament the claims of the "little property holders" and the struggling settlers on Tasman's

*See pp. 82-83.

84. C.S.O. 24/210/7970.

85. *ibid.*

86. Mercury, 22 January 1889.

87. J. Williams, "Irish Delegations to Tasmania, 1880-1914", Honours thesis, University of Tasmania, 1969, pp. 11 and 16.

Peninsula. His endeavours were successful for throughout his electorate of Sorell roads, bridges and jetties were rapidly constructed. By the time of his death in 1889 he had become a respected member of the community.⁸⁸

But as a group Irish convicts had little impact on colonial politics or society. When compared to New South Wales they formed only a small proportion of the prisoners transported to the island and were swamped by the large numbers of free immigrants who arrived during the 1840s and 1850s. Their numbers were depleted by emigration. Only a few could afford to return home on the expiration of their sentences but many went to mainland colonies, particularly Victoria. It is impossible to determine precisely the number of Irish convicts who left Van Diemen's Land. Thousands probably joined the exodus to the Victorian goldfields. Between 1846 and 1854 over 22,000 ex-convicts went to mainland colonies, over 7,000 of them leaving in 1852.⁸⁹ Denison informed Grey that the discovery of gold had a marked

88. Mercury, 22 January 1889.

89. C.S.O. 20/23/488, C.S.O. 20/28/600.
Statistics of Tasmania, 1803-1854.

effect upon the labour market in Van Diemen's Land. It drew away nearly all the labourers who had it in their power to leave. The few who remained only stayed until they had enough money to pay for the passage.⁹⁰ John Kelly, transported from Tipperary in 1842 and the father of the bushranger Ned Kelly, was only one of the Irish convicts to leave the colony and settle in Victoria.⁹¹ As the historian Michael Roe has argued, many ex-convicts "sought improvement by going to the mainland instead of becoming politically active".⁹²

The background of most Irish convicts also explains to some extent their lack of influence in Van Diemen's Land. As catholics they formed a small minority in a predominantly protestant colony. Their church leaders had to overcome official bias before they could gain free access to the various convict establishments and freedom of worship for catholic prisoners. They themselves were constantly confronted by social prejudice. Many of the females found it hard to find jobs because of their

90. GO 33/75 Denison to Grey, 16 January 1852.

91. M. Clark, W. Bate and others, Ned Kelly, Man and Myth, Australia, 1968, pp. 2, 16 and 24.

92. M. Roe, Quest for Authority in Eastern Australia, 1835-1851, Melbourne, 1965, p. 99.

religion, while the lack of skills and education by both men and women added to their difficulties. They were effectively confined to the working class and like the Irish who permanently settled in Britain they tended to congregate in the major towns. In 1848 two-thirds of the catholics in Van Diemen's Land lived in Hobart, Launceston or the Richmond district. Yet in Hobart and Launceston they accounted for only sixteen per cent of the inhabitants.⁹³ They were never strong enough to exert much influence on the social and political life of the colony, although many probably improved their standard of living. By the 1880s their numbers had diminished greatly through death and emigration. In 1882 nearly three-quarters of Tasmania's population had been born in the Australasian colonies while a mere six per cent had come originally from Ireland.⁹⁴ It was left to their descendants to carry on the Irish tradition in the colony.

93. GO 33/63 Van Diemen's Land Census 1848.

94. Statistics of Tasmania, 1882.

CONCLUSION

Between 1803 and 1853 Van Diemen's Land received 14,492 prisoners of Irish birth, twenty per cent of the total number of convicts transported to the colony. Irish courts tried 10,988, England, Scotland and Wales provided 2,657, the overseas territories 536 and other Australian colonies 311. Females accounted for 4,637 of the Irish prisoners sent to the island, 950 coming from England, Scotland and Wales. In all twenty-five per cent of the men and forty per cent of the women transported from Ireland to eastern Australia eventually found themselves in Van Diemen's Land.

Because of their background convicts tried in Ireland differed from prisoners of other nationalities. As a group they can be distinguished in several ways. Whereas most other prisoners came from urban areas the Irish were tried mainly in country districts. Only eighteen per cent of the women and fifteen per cent of the men convicted in Ireland had been sentenced in city courts. The overwhelming majority were catholics, forming a small minority against the mass of protestant prisoners

transported to the island. Irish convicts, when compared to other prisoners, had a low level of literacy and few with skills. Most Irishmen gave their occupations as labourers or farm labourers while a large number of the women classified themselves as country servants. The men tended to be older and more often married than English or Scottish males but Irish women were younger than other female convicts and as a result relatively more were single. Relatively few women from Ireland had been on the town. In comparison to British offenders Irish prisoners more often than not had been sentenced in the county of their birth.

It is possible taking these differences into account to assess the Irish convict's status before conviction. The typical Irish male convict would have either been a peasant renting his land from a landlord, as very few catholics rose above that class in Ireland, or a landless labourer. Both the peasant, who worked usually as a cottier or a conacre man, and the labourer lived in poverty. The labourer was often unemployed and had to travel about the countryside seeking harvest work, sometimes going as far afield as England and Scotland where better wages were paid. It has been suggested that most of the women also came from impoverished families. Irish parents placed

their children in local employment to boost the family income. Young female country servants often worked as dairymaids or milkmaids. These people suffered the worst effects of the Great Famine. The proportion of unskilled men and female country servants increased markedly among convicts tried in famine years.

But prisoners from Ireland cannot be regarded as a monolithic group. Distinctions must be drawn between protestants and catholics, urban and rural offenders, unskilled and skilled and prisoners from the four provinces especially Ulster. Protestant, urban, skilled and Ulster convicts tended to conform to the general pattern of all prisoners. Like other felons they were better educated than the majority of convicts from Ireland, they were more mobile (many skilled and city convicts committed offences outside their native county), and they were more likely to have previous criminal convictions and to be transported for ordinary larceny. Many of the young and unmarried men came from the cities. During the famine the proportion of Irish prisoners convicted in urban areas fell as many more rural offenders faced the courts for the first time and were sentenced to transportation.

Irish-born convicts tried elsewhere formed distinct

groups. Their main similarity to prisoners tried in Ireland was their religion, most being catholics. In some respects they differed from all other convicts. Those from England, Scotland and Wales had been drawn mainly to the large cities where they lived in overcrowded and filthy slums. But Irish farm labourers tried in Britain had basically the same profile as convicts from Ireland. Most were only temporary immigrants engaged in seasonal work to earn money to pay the rents on their farms in Ireland. Those tried in English or Scottish cities were similar to other British offenders in their occupations and marital status. But they tended to be older. As in Ireland regional contrasts existed. Relatively more Irish protestants came from Scotland while courts in London and Lancashire tried more young men. In comparison with Irish prisoners from other areas of Britain, Lancashire convicts were more likely to have previous convictions. A high proportion of Irish women from the same county were prostitutes.

Doubly-convicted felons accounted for most of the Irishmen tried in Australian colonies. The majority of those from overseas territories had been sentenced at courts martial. Men who joined the army appear to have had a better education than many of the prisoners from

Ireland. Relatively more could read and write. Other characteristics made them a unique group. Three-quarters gave ages between twenty and thirty and only seven per cent claimed to be married. Similarly very few of the Irishmen from the Australian colonies were married, although they were older than all other groups of Irish convicts.

An analysis of the crimes, previous convictions and sentences of Irishmen reveals that relatively few can be considered village Hampdens. Sixty-nine per cent of those convicted in the Australian colonies were former offenders. Usually they received long terms of transportation for offences ranging from ordinary larceny to animal stealing, burglary, forgery, crimes of violence, armed robbery and bushranging. Colonial governors always regarded them as dangerous criminals likely to cause trouble. Half of the military offenders from overseas territories had also been convicted before, mainly for breaches of discipline. Many must have been hardened by the harsh treatment they received in the army. Desertion, assaulting officers, insubordination and mutiny were their major offences. The majority had to serve long sentences.

Irishmen tried in Britain committed similar crimes to other male convicts convicted by the same courts.

Ordinary larceny and burglary caused the transportation of most of these offenders. But they were overrepresented among those tried for military offences, crimes of violence, coining, false pretences and extortion. A few committed political or social offences but hardly any can be considered as other than persistent criminals. When compared to male prisoners from Ireland relatively more lived by crime and had previous convictions. Some travelled about the countryside in order to steal and escape detection. Many young offenders with long criminal records had been taught to live from the proceeds of crime. Judging from comments in their gaol reports they were an indifferent batch of settlers.

Male convicts from Ireland appear to have been less criminally inclined. Many more than of those tried in Britain or her colonies can be regarded as village Hampdens or as basically honest men. Most were first offenders serving short sentences. The Irish authorities selected as exiles men forced into crime by famine-induced starvation. Usually they had no other convictions and were sentenced to the minimum term. Some forms of crime were much more common in Ireland. Relatively more Irishmen had been convicted of animal and food stealing, social and political offences and crimes of violence.

Only a few of these offenders had been convicted before and most can be considered normally law-abiding.

Yet not all Irishmen can be described in these terms. Social and political offenders protested against British domination and an unjust land law but many burglars, receivers, highway robbers and ordinary thieves were professional criminals who had often appeared before the courts on other charges. Those tried for ordinary larceny and burglary in Ulster and the cities were mainly persistent offenders long inured to a life of crime. Many malicious assaults, although mostly committed by first offenders, had nothing to do with land grievances or economic necessity. These crimes were caused by feuding and faction fighting which was almost a way of life in Ireland.

Female prisoners tried in Ireland have also been considered as generally well-behaved and less depraved than other convicts transported to Australia. They did have relatively more first offenders and prisoners sentenced to short terms than English or Scottish-tried females. Some Irish women saw transportation as a means of escape. But Irish courts were reluctant to transport women for their first offence unless it was serious. Although many had been transported for "lighter crimes" most were

regular offenders if not hardened criminals. Sixty-four per cent had been convicted before and three-fifths were tried for ordinary larceny. Animal stealing, arson and vagrancy caused the transportation of relatively more women from Ireland. A high proportion of vagrants had been prostitutes. Many arsonists committed the offence in order to be transported and very few were engaged in agrarian revolt or political protest.

Like the men tried in Britain Irish females transported from England, Scotland and Wales conformed more in their criminal activity to women of other nationalities than to female convicts from Ireland. Four-fifths had been tried for ordinary larceny, seventy-two per cent had been convicted before and more had to serve longer sentences. Many of those with previous convictions, especially the prostitutes, had substantial criminal records. They came mainly from the cities and exhibited the same characteristics as other urban offenders. Their offences, criminal records and gaol reports suggest that nearly all were persistent and hardened offenders almost beyond recovery.

Before 1840 very few prisoners tried in Ireland came to Van Diemen's Land. Those who did arrive were transferred from New South Wales mainly between 1816 and 1820.

Governor Arthur has been accused by most historians and contemporaries of stopping, for religious reasons, the transfer and transportation of Irish convicts to the island. Apparently the aim was to make Van Diemen's Land a protestant and English colony. But this view does not accord with the facts. Arthur was no more biased against Irish catholics than other governors of the Australian colonies. He did not object to Irish immigration in the 1830s, although the immigrants would have been mostly catholics. The practice of sending all Irish transports to New South Wales was well established by the time he became governor. It appears that the decision was made as early as 1818 when convict ships first began to be sent direct to the colony. The decision was probably prompted by Macquarie's recommendations in 1817. Macquarie asked that a few English transports be sent to Van Diemen's Land to cut down on the expense of transferring prisoners from New South Wales. After 1820 enough convicts arrived directly from England to cater for the labour needs of the colony. There was no reason to continue transferring them from Sydney.

When the first Irish transports arrived after 1840 they created problems for the colonial government. The prison clothing of the convicts was found to be hardly

sufficient for the voyage being of bad quality. Franklin objected to the number of children aboard Irish ships, arguing that they would add to the expense of the colony. It was also discovered that the diet was not suitable for convicts from the more isolated areas of Ireland. Deaths occurred during some voyages because of the diet and lack of cleanliness of Irish convicts. Two uprisings also had to be dealt with. But of primary importance was the effect of Irish transportation on the exile system. Because of the famine and lack of suitable gaols to hold an increasing number of convicts in Ireland the Irish government could not carry out the provisions of the system. Irish men arrived as ticket-of-leave holders after spending only a short time in prison. Denison thought this would lead to great evils, encouraging people in Ireland to commit crimes for the purpose of being transported to a colony where they would find ready employment at wages much higher than they could ever hope to earn at home. He suggested that Irish male prisoners should first spend some time in the labour gangs of the colony, learning to work and building up their energy lost during years of near starvation. His recommendations were accepted and all the men transported from Ireland after 1850 arrived under the modified system.

In the colony men and women from Ireland behaved better than other convicts. The majority had less than five minor convictions for such offences as drunkenness, absence without leave and various forms of misconduct. They were less likely to commit serious crimes, although they appear to have been prone to absconding and bush-ranging. Their better behaviour can be attributed to their character, length of sentence and time of arrival. Most had to serve only seven years, spending less time than many of the convicts of other nationalities under strict supervision. The majority arrived after 1840 when discipline was not so strict. Flogging had almost been abandoned as a punishment by this time and compared to earlier years not so many convicts were executed or incarcerated in penal stations. But the main reason for their better behaviour was their character. They were not so inured to crime as other convicts. Rural offenders rarely appeared before colonial courts and those transported for offences relating to agrarian agitation and distress adapted well to colonial conditions. It is no coincidence that these men and women were mainly first offenders often transported during famine years. Irish convicts from other areas of the British Empire caused more trouble to the colonial authorities, as did prisoners

convicted in the cities of Ireland. They tended to be former and hardened offenders who continued their criminal activity in Van Diemen's Land. They were over-represented among those tried for serious crimes in the colony.

Irish convicts had to overcome specific problems when trying to integrate into colonial society. As catholics they had to surmount official and social bias. They formed the bulk of the catholic community throughout the period, but until the 1840s hardly any provision was made to cater for their needs. Catholic prisoners at Port Arthur forced a change in that penal station by refusing to attend protestant worship. But reform came mainly through the efforts of Father Therry and Bishop Willson. Female convicts had difficulty in finding jobs because of their religion. Denison explained that protestant employers resented the interference of priests with their workers. Their occupations and illiteracy effectively confined them to the working class. Country servants were not fitted to engage in domestic service and most of the men could only find work as unskilled labourers or farm servants.

As a group Irish prisoners had little impact on colonial politics or society. Only a few were able to

obtain land or succeed in business or politics. Many more ended their lives in mental institutions and hospitals or as imperial paupers supported by the government. But the majority probably led fairly conventional lives as members of the working class. Several married or brought their families from Ireland. They found a better standard of living in Van Diemen's Land. If they failed to find employment they could leave on the expiration of their sentences for mainland colonies. An added attraction was the discovery of gold in New South Wales and Victoria. It is likely that thousands of Irish convicts left the island because of these reasons. Those who stayed lived mostly in Hobart, Launceston and the district of Richmond. They were never strong enough, even in these areas, to exert much influence, to the detriment of the colony's spiritual, social and political life. Van Diemen's Land, despite Irish transportation, remained primarily the preserve of English protestants and their descendants.

APPENDIX 1

NUMBERS AND WHEN ARRIVED

TABLE 1(a)
Arrivals from Ireland

Date Arrived	Tried in Ireland		Total Period
	Men	Women	
1803-1815	63	71	134
1816-1820	659	170	829
1821-1825	27	6	33
1826-1839	56	20	76
1840-1845	3057	1039	4096
1846-1849	1377	1145	2522
1850-1853	2062	1236	3298
Total	7301	3687	10988

TABLE 1(b)
Arrivals from Elsewhere

Date Arrived	England, Scotland, Wales		Overseas Territories	Australian Colonies	Total Period
	Men	Women			
1803-1815	9	-	9	-	18
1816-1820	116	-	21	-	137
1821-1825	84	7	6	22	119
1826-1839	646	295	103	33	1077
1840-1845	528	325	221	187	1261
1846-1849	119	161	106	61	447
1850-1853	205	162	70	8	445
Total	1707	950	536	311	3504

TABLE 1 (c)

Major Ships Carrying Irish Male Convicts

Date Arrived	Transport	From	Number of Irish Landed
1810	Union	Sydney	10
1812	Ruby	Sydney	11
1812	Lady Nelson	Sydney	10
1817	Jupiter	Sydney	72
1817	Elizabeth Henrietta	Sydney	38
1817	Pilot	Sydney	46
1818	Minerva	Sydney	158
1819	Prince Leopold	Sydney	23
1819	Admiral Cockburne	Sydney	125
1820	Castle Forbes	Sydney	140
1820	Admiral Cockburne	Sydney	50
1824	Woodlark	Sydney	12
1824	Neurus	Sydney	9
1840 Dec	Egyptian	Dublin	170
1841 March	British Sovereign	Dublin	168
Sept.	Waverly	Dublin	171
1842 Jan	Prince Regent	Dublin	173
March	Richard Webb	Dublin	187
Aug	Isabella Watson	Dublin	199
Oct.	Kinnear	Dublin	170
1843 Jan	Navarino	Dublin	173
April	North Briton	Dublin	178
August	Constant	Dublin	199
Nov	Orator	Dublin	165
1844 Jan	Duke of Richmond	Dublin	108
Aug	Cadet	Dublin	153
Oct	Emily	Dublin	195
-	Maitland	Norfolk Is.	239
-	Duke of Richmond	Norfolk Is.	16
-	Lady Franklin	Norfolk Is.	8
1845 June	Elizabeth & Henry	Dublin	177
Aug	Ratcliffe	London	207
1846 Jan	Samuel Boddington	Dublin	140
Aug	Lord Auckland	Dublin	163
1847 March	Tory	Dublin	188
1849 Jan	Pestonjee Bomanjee	Dublin	293
Feb	Blenheim	Dublin	293
Aug	Hyderabad	Dublin	291
1850 April	Neptune	Cape of Good Hope	200

TABLE 1 (c) cont'd

Date Arrived	Transport	From	Number of Irish Landed
1850 Dec	Hyderabad	Queenstown	283
1851 March	London	Dublin	280
Oct	Blenheim	Cork	304
1852 Aug	Lord Dalhousie	Cork	319
1853 Jan	Lord Auckland	Ireland	242
Feb	Rodney	Queenstown	337

TABLE 1(d)

Major Ships Carrying Irish Female Convicts

Date Arrived	Transport	From	Number of Irish aboard
1814	Kangaroo	Sydney	60
1816	Kangaroo	Sydney	61
1817	Elizabeth Henrietta	Sydney	50
1820	Princess Charlotte	Sydney	48
1841 March	Mary Anne	Dublin	124
Dec	Mexborough	Dublin	141
1842 Aug	Hope	Dublin	136
Dec	Waverley	Dublin	149
1843 Sept	East London	Dublin	115
1844 July	Greenlaw	Dublin	112
1845 Jan	Phoebe	Dublin	124
Dec	Tasmania	Dublin	138
1847 Feb	Arabian	Dublin	149
Oct	Waverly	Dublin	129
1848 May	John Calvin	London	170
Oct	Kinnear	Dublin	139
1849 Jan	Lord Auckland	Dublin	199
July	Maria	Dublin	162
Sept	Australasia	Dublin	197
1850 May	Earl Grey	Plymouth	234
Oct	Duke of Cornwall	Dublin	198
1851 May	Blackfriar	Ireland	260
1852 May	John William Dare	Plymouth	168
Sept	Martin Luther	Dublin	211
1853 Feb	Midlothian	Dublin	165

Information contained in Tables I(c) and I(d) came from Charles Bateson, The Convict Ships 1787-1868, Glasgow, 1959, Appendix II and VIIa.
P. R. Eldershaw, Guide to the Public Records of Tasmania, Section 3, Convict Department Record Group, Hobart, 1965, Appendix 2.
Con 13, Con 33, Con 37, Con 40, Con 41, Con 23.

APPENDIX 2

Tables Classifying Male Convicts Tried in Ireland

TABLE 2(a)

Where Tried	Place of Trial %				Total Period
	Period of Arrival				
	1803-1839	1840-1845	1846-1849	1850-1853	
Cavan	1	3	1	2	2
Carlow	1	1	1	1	1
Dublin	16	6	2	4	6
Dublin City	22	13	5	6	10
Kings	2	3	2	3	3
Kildare	2	1	2	2	2
Kilkenny	1	3	4	2	2
Kilkenny City	—	1	—	—	—
Louth	1	1	1	—	1
Longford	2	2	3	1	2
Monaghan	2	1	1	1	1
Meath	4	3	2	2	3
Queens	1	2	2	1	2
Wexford	—	1	1	1	1
Westmeath	2	3	3	2	3
Wicklow	1	3	3	1	2
LEINSTER	58	47	33	29	41
Clare	1	1	4	7	3
Cork	3	4	14	11	8
Cork City	3	3	1	2	2
Kerry	—	2	2	7	3
Limerick	1	6	4	7	5
Limerick City	1	1	1	1	1
Tipperary	3	8	8	8	8
Waterford	1	2	6	4	3
MUNSTER	13	27	40	47	33

cont'd

TABLE 2(a) cont'd

Where Tried	Period of Arrival				Total Period
	1803-1839	1840-1845	1846-1849	1850-1853	
Antrim	4	6	2	2	4
Armagh	6	3	1	2	2
Down	4	2	1	2	2
Donegal	1	1	1	1	1
Fermanagh	1	2	2	-	2
Londonderry	2	1	1	1	1
Tyrone	3	2	1	1	2
ULSTER	21	17	9	9	14
Galway	1	4	6	7	4
Leitrim	3	1	4	1	2
Mayo	2	2	4	4	3
Sligo	1	1	1	1	1
Roscommon	1	1	3	2	2
CONNAUGHT	8	9	18	15	12

TABLE 2(b)*

Religion %

Period of Arrival	Catholic	Protestant
1803-1839	-	-
1840-1845	85	15
1846-1849	91	9
1850-1853	94	6
Total Period	89	11

* Religious affiliations rarely noted during early years.

TABLE 2(c)*

Literacy %

Period of Arrival	Literate	Read Only	Illiterate
1803-1839	-	-	-
1840-1845	45	24	31
1846-1849	41	23	36
1850-1853	44	24	32
Total Period	43	24	33

* Not noted in records 1803-1839.

TABLE 2(d)

Ages %

Period of Arrival	10-14	15-19	20-24	25-29	30-34	35-39	40-49	50 -
1803-1839	1	17	28	20	12	9	9	4
1840-1845	3	20	28	19	11	6	8	5
1846-1849	1	11	33	21	15	8	8	3
1850-1853	-	6	45	18	14	8	8	1
Total Period	2	14	34	20	12	7	8	3

TABLE 2(e)*

Marital Status %

Period of Arrival	Single	Married
1803-1839	-	-
1840-1845	70	30
1846-1849	64	36
1850-1853	78	22
Total Period	71	29

* Not noted in records 1803-1839. Single includes widows.

TABLE 2(f)*

Former Offenders %

1803-1839	1840-1845	1846-1849	1850-1853	Total Period
-	39	17	46	36

* Not noted 1803-1839.

TABLE 2(g)*

Offences %

Offence	Period of Arrival			Total Period
	1840-1845	1846-1849	1850-1853	
Ordinary larceny	39	29	26	32
Animal stealing	20	40	44	31
Burglary	9	7	13	11
Receiving	2	2	2	2
Assault and Robbery, Highway Robbery	3	2	3	2
False pretences, Forgery, Coining	2	1	1	2
Bigamy, Rape, Abduction, Bestiality	3	1	1	2
Vagrancy, Perjury, Sacrilege, Returning from transportation	2	1	1	2
Courts martial	3	1	1	1
Murder, Manslaughter, Wounding	4	2	1	3
		321		cont'd

TABLE 2(g) cont'd

Offence	Period of Arrival			Total Period
	1840-1845	1846-1849	1850-1853	
Assault	5	5	1	4
Social and Political	8	9	6	8

* Offences rarely noted during early years.

TABLE 2(h)

Sentences %

Period of Arrival	Sentence Years				
	7	10	14	15	life
1803-1839	61	-	7	-	32
1840-1845	65	20	3	6	6
1846-1849	83	8	1	3	5
1850-1853	66	29	1	3	1
Total Period	68	18	3	4	7

TABLE 2(i)

Occupations %

Period of Arrival	Labourer	Farm Labourer	Servant	Trades- man	Prof- essional	Other
1803-1839	41	6	12	27	2	12
1840-1845	36	30	7	18	3	6
1846-1849	34	41	6	13	2	4
1850-1853	50	25	4	17	1	3
Total Period	40	29	7	17	2	5

TABLE 2(j)

Men Tried in the Various Provinces %

	Leinster	Munster	Ulster	Connaught
Catholic	89	97	60	97
Protestant	11	3	40	3
Literate	48	40	50	33
Read	25	20	29	25
Illiterate	27	40	21	42
10-14	2	-	3	-
15-19	17	9	25	8
20-24	33	35	27	38
25-29	20	21	15	19
30-34	12	15	10	14
35-39	6	9	8	8
40-49	7	8	8	10
50 -	3	3	4	3
Convicted before	46	30	45	23
Single	75	69	68	65
Married	25	31	32	35
Labourer	37	40	40	42
Farm labourer	23	37	23	39
Servant	9	3	4	4
Skilled	31	20	33	15

TABLE 2(k)

Offences of Men Tried in the Various Provinces %

Offences	Leinster	Munster	Ulster	Connaught
Ordinary larceny	41	25	48	18
Animal Stealing	24	37	23	47
Burglary	12	8	11	10
Receiving	2	1	4	1
Highway Robbery	3	3	2	2
Crimes of violence	2	4	1	3
Assault	3	5	2	4
Social and Political	6	10	2	11
Other	7	7	7	4

TABLE 2(1)

Men Tried in Various Cities and Counties %

	Dublin City	Cork	Limerick	Tipp- erary	Antrim	Galway
Catholic	88	97	96	98	54	98
Protestant	12	3	4	2	46	2
Literate	60	34	50	46	52	26
Read	18	17	21	23	35	28
Illiterate	22	49	29	31	13	46
10-14	6	-	-	-	5	-
15-19	30	9	5	4	33	9
20-24	36	33	36	39	23	39
25-29	15	17	29	26	13	20
30-34	6	19	12	15	8	12
35-39	3	10	7	6	7	7
40-49	3	10	7	6	8	10
50 -	1	2	4	4	3	3
Convicted before	85	33	26	20	62	26
Single	89	67	73	66	72	67
Married	11	33	27	34	28	33
Labourer	44	35	43	34	39	46
Farm labourer	4	42	37	45	16	35
Servant	12	3	2	3	2	3
Skilled	40	20	18	18	43	16

TABLE 2(m)

Offences of Men Tried in Various Cities and Counties %						
Offences	Dublin City	Cork	Limerick	Tipp- erary	Antrim	Galway
Ordinary larceny	71	28	21	17	57	11
Animal stealing	4	51	22	22	11	63
Burglary	12	8	7	9	16	14
Receiving	1	-	5	-	6	-
Assault and highway robbery	-	1	3	6	3	3
Crimes of violence	-	2	6	7	2	3
Assault	-	1	7	13	1	2
Social and Political	1	2	22	19	1	3
Other	11	7	7	7	3	4

TABLE 2(n)

Male Profile by Occupation %				
	Labourer	Farm Labourer	Servant	Skilled
Catholic	91	93	81	82
Protestant	9	7	19	18
Literate	37	37	55	60
Read	25	23	25	21
Illiterate	38	40	20	19
10-14	3	-	-	1
15-19	21	4	13	15
20-24	39	27	35	36
25-29	15	22	26	19
30-34	9	20	12	11
35-39	5	11	4	7
40-49	6	12	8	7
50 -	2	4	2	4
Convicted before	44	21	40	43
Single	80	57	75	71
Married	20	43	25	29

TABLE 2 (o)

Offences of Occupational Groups %

Offences	Labourer	Farm Labourer	Servant	Skilled
Ordinary larceny	38	17	51	40
Animal stealing	30	44	15	22
Burglary	9	7	12	13
Receiving	2	1	3	2
Assault and Highway Robbery	3	3	2	2
Crimes of violence	2	4	1	2
Assault	3	6	1	3
Social and Political	6	13	3	6
Other	7	5	12	10

TABLE 2(p)

Male Profile by Religion %

	Catholic	Protestant
Literate	41	64
Read	24	22
Illiterate	35	14
10-14	2	2
15-19	13	18
20-24	35	29
25-29	20	18
30-34	13	11
35-39	7	8
40-49	8	10
50 -	2	4
Convicted before	37	35
Single	71	67
Married	29	33
Labourer	41	30
Farm labourer	32	19
Servant	6	9
Skilled	21	42

TABLE 2(q)

Offences of Religious Groups %

Offences	Catholic	Protestant
Ordinary larceny	31	49
Animal stealing	33	18
Burglary	10	12
Receiving	2	4
Assault and highway robbery	3	1
Crimes of violence	3	2
Assault	4	2
Social and political	9	1
Other	5	11

TABLE 2(r)

Male Profile by Major Offences %

	Ordinary larceny	Animal stealing	Burglary	Assault	Social and political
Catholic	84	94	87	94	98
Protestant	16	6	13	6	2
Literate	47	33	47	55	48
Read	23	26	22	20	24
Illiterate	30	41	31	25	28
10-14	4	-	-	-	-
15-19	25	6	18	3	4
20-24	35	31	40	35	39
25-29	14	20	20	31	26
30-34	8	16	9	17	17
35-39	6	11	5	7	7
40-49	5	12	5	6	6
50 -	3	4	3	1	1
Convicted before	57	24	46	15	12
Single	79	60	78	74	72
Married	21	40	22	26	28
Labourer	47	38	38	29	27
Farm labourer	16	43	23	51	52
Servant	10	3	7	1	2
Skilled	27	16	32	19	19

APPENDIX 3

TABLES CLASSIFYING FEMALE CONVICTS TRIED IN IRELAND

TABLE 3(a)

Place of Trial %

Where Tried	Period of Arrival				Total Period
	1803-1839	1840-1845	1846-1849	1850-1853	
Cavan	2	4	1	2	2
Carlow	1	4	1	2	2
Dublin	20	4	1	1	3
Dublin City	33	12	8	7	11
Kings	1	2	2	2	2
Kildare	1	2	3	4	3
Kilkenny	-	2	2	3	2
Kilkenny City	1	-	1	1	1
Louth	2	1	1	1	1
Longford	1	2	1	1	1
Monaghan	1	2	2	1	2
Meath	1	2	2	1	2
Queens	-	3	3	2	2
Wexford	1	1	2	4	2
Westmeath	1	3	2	1	2
Wicklow	1	2	2	2	2
LEINSTER	67	46	34	35	40
Clare	1	1	5	6	4
Cork	5	3	11	12	9
Cork City	5	3	3	1	3
Kerry	1	3	3	4	3
Limerick	2	3	4	7	4
Limerick City	1	3	2	1	2
Tipperary	1	3	5	5	4
Waterford	-	1	4	4	3
MUNSTER	16	20	37	40	32

cont'd

TABLE 3(a) cont'd

Where Tried	Period of Arrival				Total Period
	1803-1839	1840-1845	1846-1849	1850-1853	
Antrim	3	9	3	1	4
Armagh	3	2	2	2	2
Down	3	4	2	2	2
Donegal	-	-	1	-	1
Fermanagh	-	4	3	2	3
Londonderry	1	2	1	1	2
Tyrone	1	4	4	6	4
ULSTER	11	25	16	14	18
Galway	2	4	8	6	5
Leitrim	-	2	2	1	1
Mayo	3	1	2	2	2
Sligo	1	1	1	1	1
Roscommon	-	1	-	1	1
CONNAUGHT	6	9	13	11	10

TABLE 3(b)

Religion %

Period of Arrival	Catholic	Protestant
1803-1839	-	-
1840-1845	82	18
1846-1849	89	11
1850-1853	89	11
Total Period	88	12

TABLE 3(c)*

Literacy %

Period of Arrival	Literate	Read Only	Illiterate
1803-1839	-	-	-
1840-1845	-	-	-
1846-1849	9	28	63
1850-1853	6	30	64
Total Period	8	29	63

*Not recorded for women before 1845.

TABLE 3(d)

Ages %

Period of Arrival	10-14	15-19	20-24	25-29	30-34	35-39	40-49	50 -
1803-1839	-	12	25	17	22	5	13	6
1840-1845	1	13	36	19	13	4	9	5
1846-1849	-	15	34	21	13	7	7	3
1850-1853	-	15	47	20	4	5	7	2
Total Period	-	14	39	20	10	6	8	3

TABLE 3(e)

Marital Status %

Period of Arrival	Single	Married
1803-1839	-	-
1840-1845	79	21
1846-1849	80	20
1850-1853	85	15
Total Period	81	19

TABLE 3(f)

Former Offenders %

1803-1839	1840-1845	1846-1849	1850-1853	Total Period
-	68	60	64	64

TABLE 3(g)

Prostitutes %

1803-1839	1840-1845	1846-1849	1850-1853	Total Period
-	16	15	6	13

TABLE 3(h)

Offences %

Offence	Period of Arrival			Total Period
	1840-1845	1846-1849	1850-1853	
Ordinary				
larceny	77	64	41	60
Animal stealing	6	17	24	16
Arson	1	5	14	7
Burglary	3	2	7	4
Vagrancy	3	4	4	3
Receiving	6	4	6	6
Murder,				
Assault,				
Manslaughter	2	2	1	2
Assault and				
Robbery	-	1	2	1
Other	2	1	1	1

TABLE 3(i)

Sentences %

Period of Arrival	Sentence Years				life
	7	10	14	15	
1803-1839	91	-	3	-	6
1840-1845	91	6	-	1	2
1846-1849	90	5	-	2	3
1850-1853	68	22	1	6	3
Total Period	83	10	1	3	3

TABLE 3(j)

Occupations %

Occupation	Period of Arrival			Total Period
	1840-1845	1846-1849	1850-1853	
Housemaid	48	42	34	39
Country servant	23	30	40	33
Laundress	9	11	8	9
Nurse	10	10	13	12
Needlewoman	2	2	1	2
Dressmaker	1	1	1	1
Cook	4	3	2	3
Other	3	1	1	1

TABLE 3 (k)

Women Tried in the Various Provinces %

	Leinster	Munster	Ulster	Connaught
Catholic	87	97	66	97
Protestant	13	3	34	3
Literate	11	5	8	4
Read	38	20	42	15
Illiterate	51	75	50	81
10-14	-	1	1	-
15-19	14	13	15	17
20-24	41	39	32	39
25-29	23	19	17	17
30-34	5	13	15	13
35-39	7	5	5	4
40-49	7	7	10	8
50 -	3	3	5	2
Convicted before	68	58	68	60
Single	81	83	79	84
Married	19	17	21	16
Prostitutes	14	9	18	11
Housemaid	37	36	46	41
Country servant	27	42	25	37
Laundress	12	7	9	8
Nurse	13	10	12	11
Other	11	5	8	3

TABLE 3(1)

Offences of Women Tried in the Various Provinces %

Offences	Leinster	Munster	Ulster	Connaught
Ordinary larceny	65	50	70	57
Animal stealing	12	22	7	29
Arson	7	12	-	4
Burglary	4	3	4	3
Vagrancy	3	3	8	1
Receiving	5	7	6	2
Assault and				-
Robbery	1	1	1	-
Crimes of				
violence	1	1	2	2
Other	2	1	2	2

TABLE 3 (m)

Women Tried in Various Cities and Counties %

	Dublin City	Kildare	Cork	Limerick	Tipperary
Catholic	85	89	95	99	97
Protestant	15	11	5	1	3
Literate	17	10	5	4	7
Read	51	42	15	30	28
Illiterate	32	48	80	66	65
10-14	-	1	-	-	-
15-19	11	15	14	13	9
20-24	31	50	43	38	46
25-29	24	19	19	16	18
30-34	17	7	10	14	17
35-39	9	4	4	8	3
40-49	6	4	7	7	5
50 -	2	-	3	4	2
Convicted before	92	72	66	41	61
Single	83	85	84	77	82
Married	17	15	16	23	18
Prostitutes	22	18	9	5	11
Housemaid	47	32	40	29	32
Country servant	4	28	40	47	45
Laundress	15	14	6	6	8
Nurse	12	22	10	11	10
Other	22	4	4	7	5

TABLE 3 (n)

Offences of Women Tried in Various Cities and Counties %

Offences	Dublin City	Kildare	Cork	Limerick	Tipperary
Ordinary larceny	93	34	57	32	56
Animal stealing	-	24	17	25	12
Arson	-	33	13	10	22
Burglary	-	6	4	1	3
Vagrancy	1	-	3	1	1
Receiving	2	1	4	24	1
Assault and Robbery	1	2	-	-	3
Crimes of violence	-	-	1	2	1
Other	3	-	1	5	1

TABLE 3(o)

Female Profile by Occupations %

	Housemaid	Country servant	Nurse	Laundress
Catholic	83	93	92	80
Protestant	17	7	8	20
Literate	8	3	9	9
Read	33	21	24	35
Illiterate	59	76	67	56
10-14	-	-	2	-
15-19	13	7	57	2
20-24	43	42	28	32
25-29	22	17	6	27
30-34	6	14	3	17
35-39	6	6	2	10
40-49	6	10	1	10
50 -	4	4	1	2
Convicted before	66	58	66	68
Single	81	79	94	81
Married	19	21	6	19
Prostitutes	17	7	7	10

TABLE 3 (p)

Offences of Occupational Groups %

Offences	Housemaid	Country servant	Nurse	Laundress
Ordinary larceny	67	42	61	62
Animal stealing	12	29	12	12
Arson	4	12	12	7
Burglary	3	5	4	4
Vagrancy	4	2	3	5
Receiving	5	6	6	5
Assault and Robbery	2	-	1	1
Crimes of violence	1	1	-	1
Other	2	3	1	3

TABLE 3 (q)

Female Profile by Religion %

	Catholic	Protestant
Literate	6	26
Read	26	50
Illiterate	68	24
10-14	-	-
15-19	15	11
20-24	40	35
25-29	20	21
30-34	9	16
35-39	5	7
40-49	8	7
50 -	3	3
Convicted before	64	70
Single	81	82
Married	19	18
Prostitutes	12	15
Housemaid	38	45
Country servant	34	23
Laundress	9	11
Nurse	12	8
Other	7	13

TABLE 3(r)
Offences of Religious Groups %

Offences	Catholic	Protestant
Ordinary larceny	59	63
Animal Stealing	17	10
Arson	7	5
Burglary	4	4
Vagrancy	3	6
Receiving	6	6
Assault and Robbery	1	1
Crimes of violence	1	3
Others	2	2

TABLE 3(s)

Female Profile by Major Offences %

	Ordinary larceny	Animal stealing	Arson	Receiving	Burg- lary	Vag- rancy
Catholic	83	94	94	90	90	83
Protestant	17	6	6	10	10	17
Literate	9	4	10	10	7	7
Read	31	22	29	27	32	32
Illiterate	60	74	61	63	61	61
10-14	-	-	-	-	-	-
15-19	15	13	18	17	17	6
20-24	39	35	60	29	39	44
25-29	22	20	10	12	15	24
30-34	8	13	7	13	12	16
35-39	6	5	3	10	8	5
40-49	7	10	1	12	9	4
50 -	3	4	1	7	-	1
Convicted before	73	53	47	61	56	61
Single	82	78	92	70	84	95
Married	18	22	8	30	16	5
Prostitutes	15	8	9	8	8	36
Housemaid	41	37	28	37	35	60
Country servant	26	42	46	42	40	13
Laundress	10	8	8	8	10	11
Nurse	12	9	15	9	11	8
Other	11	4	3	4	4	8

APPENDIX 4

Tables Classifying Male and Female Convicts Tried in England, Scotland and Wales

TABLE 4(a)

Place of Trial %

	Men	Women
Lancashire	24	27
London-Middlesex	20	29
York	6	5
Kent	4	1
Cheshire	3	3
Warwickshire	3	2
Surrey	2	1
Hampshire	2	1
Gloucestershire	2	1
Staffordshire	2	1
Devonshire	2	1
Lincolnshire	2	1
Derbyshire	1	-
Durham	1	1
Northumberland	1	1
Other English Counties	6	6
ENGLAND	81	81
Glasgow	6	10
Edinburgh	3	4
Perth	1	2
Dumfries	1	-
Ary	1	-
Other Scottish Towns	2	1
SCOTLAND	14	17
WALES	2	-
Unknown England, Wales, Scotland	3	2

TABLE 4(b)

	Native Place %				
	Leinster	Munster	Ulster	Connaught	Ireland
Men	38	23	22	13	4
Women	35	27	18	12	8

TABLE 4(c)

	Religion %	
	Men	Women
Catholic	75	79
Protestant	25	21

TABLE 4(d)

	Literacy %		
	Literate	Read Only	Illiterate
Men	61	21	18
Women	29	45	26

TABLE 4(e)

	Ages %	
	Men	Women
10-14	1	1
15-19	16	12
20-24	29	28
25-29	20	22
30-34	15	13
35-39	7	10
40-49	8	10
50 -	4	4

TABLE 4(f)

Marital Status %		
	Single	Married
Men	76	24
Women	67	33

TABLE 4(g)

Former Offenders %		
	Men	Women
	44	72

TABLE 4(h)

Male Offences %		
Ordinary larceny	51	
Burglary	16	
Highway, Assault and Robbery	6	
Coining, forgery, false pretences, extortion	6	
Courts martial	5	
Murder, manslaughter, wounding	5	
Animal stealing	3	
Receiving	3	
Bigamy, rape, bestiality	2	
Social and Political	2	
Miscellaneous	1	

TABLE 4(i)

Female Offences %

Ordinary larceny	80
Burglary	6
Receiving	5
Coining	3
Highway, Assault and Robbery	3
Forgery, False pretences	1
Murder, Manslaughter, wounding	1
Miscellaneous	1

TABLE 4(j)

Sentences %

	7 years	10	14	15	life
Men	52	15	10	6	17
Women	62	24	8	3	3

TABLE 4(k)

Occupations %

	Labourer	Farm Lab- ourer	Servant	Tradesman	Profes- sional	Other	
Men	29	16	9	25	3	18	
	House- maid	Country servant	Laundress	Nurse	Needle- woman	Dress- maker	Cook Other
Women	57	11	9	5	3	2	11 2

TABLE 4(1)
Prostitutes %

17

TABLE 4(m)
Men Tried in the Various Areas of Britain %

	Lancashire	Middlesex-London	Scotland	York
Catholic	79	70	68	82
Protestant	21	30	32	18
Literate	62	70	62	47
Read	21	17	27	23
Illiterate	17	13	11	30
10-14	3	2	-	1
15-19	19	20	15	13
20-24	29	22	27	32
25-29	20	18	20	21
30-34	10	16	14	19
35-39	5	8	11	8
40-49	8	9	8	5
50 -	6	5	5	1
Convicted before	64	42	47	61
Single	70	66	63	70
Married	30	34	37	30
Labourer	33	33	30	26
Farm labourer	11	6	25	19
Servant	7	10	5	5
Skilled	49	51	40	50

TABLE 4(n)

Offences of Men Tried in the Various Areas of Britain %

Offences	Lancashire	Middlesex- London	Scotland	York
Ordinary larceny	65	61	25	56
Burglary	9	15	28	9
Highway, Assault and Robbery	4	2	9	13
Coining, forgery, False pretences, extortion	10	5	12	4
Courts martial	2	-	4	6
Crimes of violence	5	6	4	8
Other	5	11	18	4

TABLE 4(o)

Male Profile by Occupation %

	Labourer	Farm Labourer	Servant	Skilled
Catholic	82	83	76	69
Protestant	18	17	24	31
Literate	53	44	74	69
Read	28	31	10	15
Illiterate	19	25	16	16
10-14	2	1	-	1
15-19	26	4	7	15
20-24	27	29	32	30
25-29	18	26	26	17
30-34	11	19	18	15
35-39	6	11	6	7
40-49	6	7	8	10
50 -	4	3	3	5
Convicted before	55	37	42	49
Single	75	67	70	80
Married	25	33	30	20

TABLE 4(p)

Offences of Male Occupational Groups %

Offences	Labourer	Farm Labourer	Servant	Skilled
Ordinary				
larceny	57	35	53	52
Burglary	13	19	19	16
Highway,				
assault and				
robbery	6	8	4	7
Coining, forgery,				
false pretences,				
extortion	4	8	3	7
Courts martial	6	8	8	3
Crimes of				
violence	4	6	4	7
Other	10	16	9	8

TABLE 4(q)

Women Tried in the Various Areas of Britain %

	Lancashire	Middlesex-London	Scotland
Catholic	75	83	69
Protestant	25	17	31
Literate	24	28	30
Read	54	39	44
Illiterate	22	33	26
10-14	7	-	-
15-19	14	13	15
20-24	32	31	26
25-29	24	20	14
30-34	12	15	14
35-39	8	9	12
40-49	6	10	13
50 -	4	2	6
Convicted before	85	64	79
Single	73	69	67
Married	27	31	33
Prostitute	28	15	12
Housemaid	60	57	56
Country servant	8	10	19
Laundress	10	7	10
Nurse	7	7	4
Other	15	19	11

TABLE 4(r)

Offences of Women Tried in the Various Areas of Britain %

	Lancashire	Middlesex-London	Scotland
Ordinary			
larceny	90	81	70
Burglary	1	6	12
Receiving	3	5	3
Coining	2	3	4
Other	4	5	11

APPENDIX 5

Tables Classifying Male Convicts Tried in Overseas Territories

TABLE 5(a)

Place of Trial %

India	31
Canada	31
West Indies	10
Africa	8
New Zealand	6
Gibraltar	4
Malta	2
Burma	1
Spain	1
Others	6

TABLE 5(b)

Native Place %

Leinster	Munster	Ulster	Connaught	Ireland
37	29	19	11	4

TABLE 5(c)

Profile %

Catholic	81
Protestant	19
Literate	56
Read	16
Illiterate	28
10-14	-
15-19	1
20-24	35
25-29	39
30-34	16
35-39	6
40-49	3
50 -	-
Convicted before	50
Single	93
Married	7

TABLE 5(d)

Offences %

Desertion	36
Assault officer	25
Insubordination	15
Mutiny	5
Drunkenness	2
Other Military	1
Murder, wounding, Manslaughter	4
Highway Robbery	2
Burglary	2
Animal stealing	1
Miscellaneous	2
Theft	5

TABLE 5 (e)

Sentences %

7 years	10	14	15	life
35	5	34	1	25

TABLE 5 (f)

Occupations %

Labourer	Farm Labourer	Servant	Tradesman	Profes- sional	Other
43	14	13	18	4	8

APPENDIX 6

Tables Classifying Male Convicts Tried in Other Australian Colonies

TABLE 6(a)

Place of Trial %	
New South Wales	85
South Australia	8
Victoria	5
Western Australia	2

TABLE 6(b)

Native Place %			
Leinster	Munster	Ulster	Connaught
48	28	15	9

TABLE 6(c)

Profile %	
Catholic	89
Protestant	11
Literate	50
Read	12
Illiterate	38
10-14	-
15-19	1
20-24	13
25-29	23
30-34	22
35-39	13
40-49	18
50 -	10

TABLE 6(c) cont'd

Convicted before	69
Single	88
Married	12

TABLE 6(d)

Offences %

Animal Stealing	18
Ordinary larceny	15
Armed robbery, bushranging	15
Burglary	13
Courts martial	10
Forgery, false pretences	9
Crimes of violence	9
Receiving	3
Perjury	3
Sodomy	1
Assault	1
Miscellaneous	3

TABLE 6(e)

Sentences %

7 years	10	14	15	life
33	17	4	15	31

TABLE 6(f)

Occupations %

Labourer	Farm Labourer	Servant	Tradesman	Professional	Other--
33	21	13	23	3	7

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